

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 5293**  
**OFFERED BY MR. TIBERI OF OHIO**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Senior Independence  
3 Act of 2006”.

**4 SEC. 2. DEFINITIONS.**

5       Section 102 of the Older Americans Act of 1965 (42  
6 U.S.C. 3002) is amended—

7           (1) by amending paragraph (12)(D) to read as  
8 follows:

9           “(D) evidence-based health promotion pro-  
10 grams, including programs related to the pre-  
11 vention and mitigation of the effects of chronic  
12 disease (including osteoporosis, hypertension,  
13 obesity, diabetes, and cardiovascular disease),  
14 alcohol and substance abuse reduction, smoking  
15 cessation, weight loss and control, stress man-  
16 agement, falls prevention, physical activity, and  
17 improved nutrition through the consumption of



1 a healthful diet and multivitamin-mineral sup-  
2 plementation;”,

3 (2) in paragraph (29)(E)—

4 (A) in clause (i) by striking “and” at the  
5 end,

6 (B) in clause (ii) by striking the period at  
7 the end and inserting “; and” , and

8 (C) by adding at the end the following:

9 “(iii) older individuals at risk for in-  
10 stitutional placement.”,

11 (3) by redesignating paragraphs (1) through  
12 (43) as paragraphs (43), (7), (46), (36), (24), (25),  
13 (50), (13), (45), (8), (27), (12), (1), (2), (3), (5),  
14 (6), (10), (23), (34), (11), (14),(15), (16), (18),  
15 (19), (20), (21), (26), (28), (30), (31) (32), (35),  
16 (37), (40), (41), (47), (49), (17), (38), (39), and  
17 (44), respectively,

18 (4) by transferring such paragraphs so as to ar-  
19 range them in numerical order as so redesignated,

20 (5) by inserting after paragraph (3), as so re-  
21 designated the following:

22 “(4) The term ‘Aging and Disability Resource  
23 Center’ means a program established by a State as  
24 part of the State’s system of long-term care, to pro-  
25 vide a coordinated system for providing—



1           “(A) comprehensive information on avail-  
2           able public and private long-term care pro-  
3           grams, options, and resources;

4           “(B) personal counseling to assist individ-  
5           uals in assessing their existing or anticipated  
6           long-term care needs, and developing and imple-  
7           menting a plan for long-term care designed to  
8           meet their specific needs and circumstances;  
9           and

10           “(C) consumer access to the range of pub-  
11           licly-supported long-term care programs for  
12           which they may be eligible, by serving as a con-  
13           venient point of entry for such programs.”,

14           (6) by inserting after paragraph (8), as so re-  
15           designated, the following:

16           “(9) The term ‘at risk for institutional place-  
17           ment’ means, with respect to an older individual,  
18           that such individual is unable to perform at least  
19           two activities of daily living without substantial  
20           human assistance (including verbal reminding, phys-  
21           ical cuing, or supervision) and is determined by the  
22           State to be in need of placement in a long-term care  
23           facility.”,

24           (7) by inserting after paragraph (21), as so re-  
25           designated, the following:



1           “(22) The term ‘Hispanic serving institution’  
2           has the meaning as defined in section 502 of the  
3           Higher Education Act of 1965 (20 U.S.C. 1101A).”,  
4           (8) by inserting after paragraph (28), as so re-  
5           designated, the following:

6           “(29) The term ‘long-term care’ means any  
7           services, care, or items (including assistive devices),  
8           including disease prevention and health promotion  
9           services, in-home services, and case management  
10          service—

11           “(A) intended to assist individuals in cop-  
12           ing with, and to the extent practicable com-  
13           pensate for, functional impairments in carrying  
14           out activities of daily living;

15           “(B) furnished at home, in a community  
16           care setting (including a small community care  
17           setting as defined in subsection (g)(1), and a  
18           large community care setting as defined in sub-  
19           section (h)(1), of section 1929 of the Social Se-  
20           curity Act (42 U.S.C. 1396t)), or in a long-  
21           term care facility; and

22           “(C) not furnished to prevent, diagnose,  
23           treat, or cure a medical disease or condition.”,  
24           (9) by inserting after paragraph (32), as so re-  
25           designated, the following:



1           “(33) The term ‘multivitamin-mineral supple-  
2           ment’ means a dietary supplement that provides at  
3           least two-third’s of the essential vitamins and min-  
4           erals at 100 percent of the daily value levels as de-  
5           termined by the Food and Drug Administration.”,

6           (10) by inserting after paragraph (40), as so  
7           redesignated, the following:

8           “(41) The term ‘self-directed care’ means an  
9           approach to providing services (including programs,  
10          benefits, supports, and technology) under this Act  
11          intended to an older individual to assist such indi-  
12          vidual with activities of daily living, in which

13               “(A) such services (including the amount,  
14               duration, scope, provider, and location of such  
15               services) are planned, budgeted, and purchased  
16               under the direction and control of such indi-  
17               vidual;

18               “(B) such individual is provided with such  
19               information and assistance as necessary and ap-  
20               propriate to enable such individual to make in-  
21               formed decisions about his or her care options;

22               “(C) the needs, capabilities, and pref-  
23               erences of such individual with respect to such  
24               services, and such individual’s ability to direct  
25               and control his or her receipt of such services,



1 are assessed by the area agency on aging (or  
2 other agency designated by the area agency on  
3 aging);

4 “(D) based on the assessment made under  
5 subparagraph (C), the area agency on aging (or  
6 other agency designated by the area agency on  
7 aging) develops together with such individual  
8 and his or her family, caregiver, or legal  
9 representative—

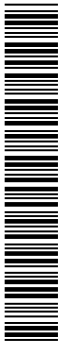
10 “(i) a plan of services for such indi-  
11 vidual that specifies which services such in-  
12 dividual will be responsible for directing;

13 “(ii) a determination of the role of  
14 family members (and others whose partici-  
15 pation is sought by such individual) in pro-  
16 viding services under such plan; and

17 “(iii) a budget for such services; and

18 “(E) the area agency on aging or State  
19 agency provides for oversight of such individ-  
20 ual’s self-directed receipt of services, including  
21 steps to ensure the quality of services provided  
22 and the appropriate use of funds under this  
23 Act.”, and

24 (11) by inserting after paragraph (47), as so  
25 redesignated, the following:



1           “(48) The term ‘State system of long-term  
2           care’ means the Federal, State, and local programs  
3           and activities administered by a State that provide,  
4           support, or facilitate access to long-term care to in-  
5           dividuals in such State.”.

6 **SEC. 3. FUNCTIONS OF THE ASSISTANT SECRETARY.**

7           Section 202 of the Older Americans Act of 1965 (42  
8           U.S.C. 3012) is amended—

9                   (1) in subsection (a)—

10                           (A) in paragraph (20)—

11                                   (i) by striking “and area agencies on  
12                                   aging” and inserting “, area agencies on  
13                                   aging, and service providers”,

14                                   (ii) by striking “and benefits” and in-  
15                                   serting “benefits”, and

16                                   (iii) by inserting “benefits under any  
17                                   other applicable Federal program, or any  
18                                   other service (including technology and  
19                                   internet-based decision support tools) to  
20                                   assist consumers to learn about, to receive  
21                                   benefits under, and to participate in pro-  
22                                   grams for which they may be eligible”  
23                                   after “(7 U.S.C. 2011 et seq.),”,

24                           (B) in paragraph (26)(D)—

25                                   (i) by striking “gaps in”,



1 (ii) by inserting “(including services  
2 that would permit such individuals to re-  
3 ceive long-term care in home and commu-  
4 nity-based settings)” after “individuals”,  
5 and

6 (iii) by striking “and” at the end,

7 (C) in paragraph (27)—

8 (i) in subparagraph (B) by adding  
9 “and” at the end,

10 (ii) in subparagraph (C) by striking  
11 the semicolon and inserting “; and”,

12 (iii) by striking subparagraph (D),  
13 and

14 (iv) by striking the period at the end  
15 and inserting “; and”, and

16 (D) by adding at the end the following:

17 “(28) make available to States information and  
18 technical assistance to support the provision of dis-  
19 ease prevention and health promotion services.”, and

20 (2) by striking subsection (b) and inserting the  
21 following:

22 “(b) To promote the development and implementa-  
23 tion of comprehensive, coordinated systems at Federal,  
24 State, and local levels for providing long-term care in  
25 home and community-based settings, in a manner respon-





1 sive to the needs and preferences of older individuals and  
2 their family caregivers, the Assistant Secretary shall, con-  
3 sistent with the applicable provisions of this title—

4 “(1) collaborate, coordinate, and consult with  
5 other Federal agencies and departments responsible  
6 for formulating and implementing programs, bene-  
7 fits, and services related to providing long-term care,  
8 and may make grants, contracts, and cooperative  
9 agreements with funds received from other Federal  
10 entities;

11 “(2) conduct research and demonstration  
12 projects to identify innovative, cost-effective strate-  
13 gies for modifying State systems of long-term care  
14 to—

15 “(A) respond to the needs and preferences  
16 of older individuals and family caregivers; and

17 “(B) target services to individuals at risk  
18 for institutional placement, to permit such indi-  
19 viduals to remain in home and community-  
20 based care settings;

21 “(3) establish criteria and promote the imple-  
22 mentation (through area agencies on aging, service  
23 providers, and such other entities as the Assistant  
24 Secretary determines to be appropriate) of evidence-  
25 based programs to assist older individuals and their



1 family caregivers in learning about and making be-  
2 havioral changes intended to reduce the risk of in-  
3 jury, disease, and disability among older individuals;

4 “(4) facilitate the provision of long-term care in  
5 home and community-based settings, including con-  
6 sumer-directed models;

7 “(5) provide for the Administration to play a  
8 lead role with respect to issues concerning home and  
9 community-based long-term care, including—

10 “(A) directing (as the Secretary or the  
11 President determines to be appropriate) or oth-  
12 erwise participating in departmental and inter-  
13 departmental activities concerning long-term  
14 care;

15 “(B) reviewing and commenting on depart-  
16 mental rules, regulations, and policies related to  
17 providing long-term care; and

18 “(C) making recommendations to the Sec-  
19 retary with respect to home and community-  
20 based long-term care, including recommenda-  
21 tions based on findings made through projects  
22 conducted under paragraph (2);

23 “(6) promote, in coordination with other appro-  
24 priate Federal agencies, enhanced awareness by the  
25 public of the importance of planning in advance for



1 long-term care and the availability of information  
2 and resources to assist in such planning, and the im-  
3 plementation of Aging and Disability Resource Cen-  
4 ters;

5 “(7) establish, either directly or through grants  
6 or contracts, a national technical assistance program  
7 to assist State agencies, area agencies on aging, and  
8 community-based service providers funded under this  
9 Act in implementing such home and community-  
10 based long-term care systems including evidence-  
11 based programs;

12 “(8) develop, in collaboration with the Adminis-  
13 trator of the Centers for Medicare and Medicaid  
14 Services, performance standards and measures for  
15 use by States to determine the extent to which their  
16 systems of long-term care fulfill the objectives de-  
17 scribed in this subsection; and

18 “(9) conduct such other activities as the Assist-  
19 ant Secretary determines to be appropriate.

20 “(c) The Assistant Secretary, in consultation with the  
21 Corporation for National and Community Service, shall—

22 “(1) encourage and permit voluntary groups ac-  
23 tive in supportive services, including youth organiza-  
24 tions active at the secondary or postsecondary levels,  
25 to participate and be involved individually or



1 through representative groups, in such programs or  
2 activities to the maximum extent feasible;

3 “(2) develop a comprehensive strategy for uti-  
4 lizing older individuals to address critical local needs  
5 of national concern; and

6 “(3) other community capacity building initia-  
7 tives involving older individuals.””.

8 **SEC. 4. FEDERAL AGENCY CONSULTATION.**

9 Section 203(a)(3)(A) of the Older Americans Act of  
10 1965 (42 U.S.C. 3013(a)(3)(A)) is amended by striking  
11 “(with particular attention to low income minority individ-  
12 uals and older individuals residing in rural areas)” and  
13 inserting “(with particular attention to low-income older  
14 individuals, including low-income minority older individ-  
15 uals, older individuals with limited English proficiency,  
16 and older individuals residing in rural areas)”.

17 **SEC. 5. ADMINISTRATION.**

18 Section 205 of the Older Americans Act of 1965 (42  
19 U.S.C. 3016) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1)—

22 (i) in subparagraph (B) by adding  
23 “and” at the end,

24 (ii) in subparagraph (C) by adding “;  
25 and” at the end,



1 (iii) in subparagraph (D) by striking  
2 the semicolon at the end and inserting a  
3 period, and

4 (iv) by striking subparagraph (E),  
5 and  
6 (B) in paragraph (2)—

7 (i) in subparagraph (A)—

8 (I) by amending clause (i) to  
9 read as follows:

10 “(i) designing, implementing, and evaluating  
11 evidence-based programs to support improved nutri-  
12 tion and regular physical activity for older individ-  
13 uals;”,

14 (II) by amending clause (iii) to  
15 read as follows:

16 “(iii) conducting outreach and disseminating  
17 evidence-based information to nutrition service pro-  
18 viders about the benefits of healthful diets and reg-  
19 ular physical activity, including information about  
20 the most current Dietary Guidelines for Americans  
21 published under section 301 of the National Nutri-  
22 tion Monitoring and Related Research Act of 1990  
23 (7 U.S.C. 5341), the Food Guide Pyramid published  
24 jointly by the Secretary and the Secretary of Agri-  
25 culture, and advances in nutrition science;”,



1 (III) in clause (vii) by striking  
2 “and” at the end, and

3 (IV) by striking clause (viii) and  
4 inserting the following:

5 “(viii) disseminating guidance that de-  
6 scribes strategies for improving the nutritional  
7 quality of meals provided under title III, par-  
8 ticularly strategies for increasing the consump-  
9 tion of whole grains, lowfat dairy products,  
10 fruits and vegetables;

11 “(ix) developing and disseminating guide-  
12 lines for conducting nutrient analyses of meals  
13 provided in subparts 1 and 2 of part C, includ-  
14 ing guidelines for averaging key nutrients over  
15 an appropriate period of time; and

16 “(x) providing technical assistance to the  
17 regional offices of the Administration with re-  
18 spect to each duty described in clauses (i)  
19 through (viii).”, and

20 (ii) by amending subparagraph (C)(i)  
21 to read as follows:

22 “(i) have expertise in nutrition, energy balance,  
23 and meal planning; and”.



1 **SEC. 6. EVALUATION.**

2 The 1st sentence of section 206(g) of the Older  
3 Americans Act of 1965 (42 U.S.C. 3017(g)) is amended  
4 to read as follows:

5 “From the total amount appropriated for each fiscal year  
6 to carry out title III, the Secretary may use such sums  
7 as may be necessary, but not to exceed  $\frac{1}{2}$  of 1 percent  
8 of such amount, for purposes of conducting evaluations  
9 under this section, either directly or through grants or  
10 contracts.”.

11 **SEC. 7. REPORTS.**

12 Section 207(b)(2) of the Older Americans Act of  
13 1965 (42 U.S.C. 3018(b)(2)) is amended—

14 (1) in subparagraph (B) by striking “Labor”  
15 and inserting “the Workforce”, and

16 (2) in subparagraph (C) by striking “Labor and  
17 Human Resources” and inserting “Health, Edu-  
18 cation, Labor, and Pensions”.

19 **SEC. 8. CONTRACTUAL, COMMERCIAL AND PRIVATE PAY**  
20 **RELATIONSHIPS; APPROPRIATE USE OF ACT**  
21 **FUNDS.**

22 (a) PRIVATE PAY RELATIONSHIPS; APPROPRIATE  
23 USE OF ACT FUNDS.—Section 212 of the Older Ameri-  
24 cans Act (42 U.S.C. 3020c) is amended to read as follows:



1 **“SEC. 212. CONTRACTING AND GRANT AUTHORITY; PRI-**  
2 **VATE PAY RELATIONSHIPS; APPROPRIATE**  
3 **USE OF FUNDS.**

4 “(a) IN GENERAL.—Subject to subsection (b), this  
5 Act shall not be construed to prevent a recipient of a grant  
6 or a contract from entering into an agreement—

7 “(1) with a profitmaking organization;

8 “(2) under which funds provided under such  
9 grant or contract are used to pay part or all of a  
10 cost (including an administrative cost) incurred by  
11 such recipient to carry out a contract or commercial  
12 relationship for the benefit of older individuals or  
13 their family caregivers, whether such relationship is  
14 carried out to implement a provision of this Act or  
15 to conduct activities inherently associated with im-  
16 plementing such provision; or

17 “(3) under which any individual, regardless of  
18 age or income (including the family caregiver of such  
19 individual), who seeks to receive 1 or more services  
20 pays, at their own private expense, to receive such  
21 services based on the fair market value of such serv-  
22 ices.

23 “(b) ENSURING APPROPRIATE USE OF FUNDS.—An  
24 agreement described under subsection (a) may not—

25 “(1) be made without the prior approval of the  
26 State agency (or, in the case of a grantee under title





1 VI, without the prior recommendation of the Direc-  
2 tor of the Office for American Indian, Alaska Na-  
3 tive, and Native Hawaiian Aging and the prior ap-  
4 proval of the Assistant Secretary);

5 “(2) directly or indirectly provide for, or have  
6 the effect of, paying, reimbursing, or otherwise com-  
7 pensating an entity under such agreement in an  
8 amount that exceeds the fair market value of the  
9 goods or services furnished by such entity under  
10 such agreement;

11 “(3) result in the displacement of services oth-  
12 erwise available to an older individual with the  
13 greatest social need, an older individual with great-  
14 est economic need, or an older individual who is at  
15 risk for institutional placement; or

16 “(4) in any other way compromise, undermine,  
17 or be inconsistent with the objective of serving the  
18 needs of older individuals, as determined by the As-  
19 sistant Secretary.”.

20 **SEC. 9. NUTRITION EDUCATION.**

21 Section 214 of the Older Americans Act of 1965 (42  
22 U.S.C. 3020e) is amended to read as follows:

23 **“SEC. 214. NUTRITION EDUCATION.**

24 “The Assistant Secretary, in consultation with the  
25 Secretary of Agriculture, shall conduct outreach and pro-



1 vide technical assistance to agencies and organizations  
2 that serve older individuals to assist such agencies and or-  
3 ganizations to carry out integrated health promotion and  
4 disease prevention programs that are designed for older  
5 individuals and that include nutrition education, physical  
6 activity, and other activities to modify behavior and to im-  
7 prove health literacy through education and counseling in  
8 accordance with section 339(2)(J).”.

9 **SEC. 10. PENSION COUNSELING AND INFORMATION PRO-**  
10 **GRAMS.**

11 Section 215 of the Older Americans Act of 1965 (42  
12 U.S.C. 3020e-1) is amended—

13 (1) in subsection (e)(1)(J) by striking “and low  
14 income retirees” and inserting “, low-income retir-  
15 ees, and older individuals with limited English pro-  
16 ficiency”,

17 (2) in subsection (f) by amending paragraph (2)  
18 to read as follows:

19 “(2) The ability of the entity to perform effec-  
20 tive outreach to affected populations, particularly  
21 populations with limited English proficiency and  
22 other populations that are identified in need of spe-  
23 cial outreach.”, and



1           (3) in subsection (h)(2) by inserting “(including  
2       individuals with limited English proficiency)” after  
3       “individuals”.

4   **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

5       Section 216 of the Older Americans Act of 1965 (42  
6   U.S.C. 3020f) is amended—

7           (1) in subsection (a) by striking “2001, 2002,  
8       2003, 2004, and 2005” and inserting “2007, 2008,  
9       2009, 2010, and 2011.”, and

10          (2) in subsections (b) and (c) by striking  
11       “year” and all that follows through “years”, and in-  
12       serting “years 2007, 2008, 2009, 2010, and 2011”.

13   **SEC. 12. PURPOSE; ADMINISTRATION.**

14       Section 301(a)(2) of the Older Americans Act of  
15   1965 (42 U.S.C. 3021(a)(2)) is amended—

16           (1) in subparagraph (D) by striking “and” at  
17       the end

18           (2) in subparagraph (E) by striking the period  
19       at the end and inserting “; and”, and

20           (3) by adding at the end the following:

21           “(F) organizations with experience in providing  
22       senior volunteer services, such as Federal volunteer  
23       programs administered by the Corporation for Na-  
24       tional and Community Service designed to provide



1 training, placement, and stipends for volunteers in  
2 community service settings.”.

3 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS; USES OF**  
4 **FUNDS.**

5 Section 303 of the Older Americans Act of 1965 (42  
6 U.S.C. 3023) is amended—

7 (1) in subsection (a)(1), (b), and (d) by striking  
8 “year 2001” and all that follows through “years”  
9 each place it appears, and inserting “years 2007,  
10 2008, 2009, 2010, and 2011”, and

11 (2) in subsection (e)(1) by striking “2001”  
12 each place it appears and inserting “2007”.

13 **SEC. 14. ORGANIZATION.**

14 Section 305(a) of the Older Americans Act of 1965  
15 (42 U.S.C. 3025(a)) is amended—

16 (1) in paragraph (1)(E) by striking “(with par-  
17 ticular attention to low income minority individuals  
18 and older individuals residing in rural areas)” each  
19 place it appears and inserting “(with particular at-  
20 tention to low-income older individuals, including  
21 low-income minority older individuals, older individ-  
22 uals with limited English proficiency, and older indi-  
23 viduals residing in rural areas)”,

24 (2) in paragraph (2)(E) by striking “with par-  
25 ticular attention to low income minority individuals



1 and older individuals residing in rural areas” and in-  
2 serting “with particular attention to low-income  
3 older individuals, including low-income minority  
4 older individuals, older individuals with limited  
5 English proficiency, and older individuals residing in  
6 rural areas”, and

7 (3) by adding at the end the following:

8 “(3) the State agency shall, consistent with this  
9 section, promote the development and implementa-  
10 tion of a comprehensive, coordinated system in such  
11 State for providing long-term care in home and com-  
12 munity-based settings, in a manner responsive to the  
13 needs and preferences of older individuals and their  
14 family caregivers, by—

15 “(A) collaborating, coordinating, and con-  
16 sulting with other agencies in such State re-  
17 sponsible for formulating, implementing, and  
18 administering programs, benefits, and services  
19 related to providing long-term care;

20 “(B) participating in any State govern-  
21 ment activities concerning long-term care, in-  
22 cluding reviewing and commenting on any State  
23 rules, regulations, and policies related thereto;

24 “(C) conducting analyses and making rec-  
25 ommendations with respect to strategies for



1 modifying the State's system of long-term care  
2 to better—

3 “(i) respond to the needs and pref-  
4 erences of older individuals and family  
5 caregivers;

6 “(ii) facilitate the provision of long-  
7 term care in home and community-based  
8 settings through service providers;

9 “(iii) target services to individuals at  
10 risk for institutional placement, to permit  
11 such individuals to remain in home and  
12 community-based care settings; and

13 “(iv) implement (through area agen-  
14 cies on aging, service providers, and such  
15 other entities as the State determines to be  
16 appropriate) evidence-based programs to  
17 assist older individuals and their family  
18 caregivers in learning about and making  
19 behavioral changes intended to reduce the  
20 risk of injury, disease, and disability  
21 among older individuals; and

22 “(D) providing for the availability and dis-  
23 tribution (through public education campaigns,  
24 aging and disability resource centers, area



1 agencies on aging, and other appropriate  
2 means) of information relating to—

3 “(i) the need to plan in advance for  
4 long-term care; and

5 “(ii) the range of available public and  
6 private long-term care programs, options,  
7 and resources.”.

8 **SEC. 15. AREA PLANS.**

9 Section 306 of the Older Americans Act of 1965 (42  
10 U.S.C. 3026) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1)—

13 (i) by striking “(with particular atten-  
14 tion to low income minority individuals and  
15 older individuals residing in rural areas)”  
16 each place it appears and inserting “(with  
17 particular attention to low-income older in-  
18 dividuals, low-income minority older indi-  
19 viduals, older individuals with limited  
20 English proficiency, and older individuals  
21 residing in rural areas)”, and

22 (ii) by inserting “the number of older  
23 individuals at risk for institutional place-  
24 ment residing in such area,” after “indi-  
25 viduals) residing in such area,”,



1 (B) in paragraph (4)—

2 (i) in subparagraph (A)—

3 (I) by amending clause (i) to  
4 read as follows:

5 “(i) provide assurances that the area agency on  
6 aging will—

7 “(I) set specific objectives, consistent with  
8 State policy, for providing services to older indi-  
9 viduals with greatest economic need, older indi-  
10 viduals with greatest social need, and older in-  
11 dividuals at risk for institutional placement;

12 “(II) include in the area plan specific ob-  
13 jectives for providing services to low-income mi-  
14 nority older individuals and older individuals re-  
15 siding in rural areas; and

16 “(III) include in the area plan proposed  
17 methods to achieve such objectives;”. and

18 (II) in clause (ii) by inserting

19 “(including older individuals with lim-  
20 ited English proficiency)” after “low  
21 income minority individuals” each  
22 place it appears; and

23 (ii) in subparagraph (B)—

24 (I) by moving the left margin of  
25 each of subparagraph (B), clauses (i)





1 and (ii), and subclauses (I) through  
2 (VI) of clause (i), 2 ems to the left,  
3 (II) in clause (i)—  
4 (aa) in subclause (V) by  
5 striking “and” at the end; and  
6 (bb) by adding at the end  
7 the following:  
8 “(VI) older individuals at risk for  
9 institutional placement; and”, and  
10 (III) by striking “(VI)” and in-  
11 serting “(VII)”,  
12 (C) in paragraph (5) by inserting “and in-  
13 dividuals at risk for institutional placement”  
14 after “severe disabilities”,  
15 (D) in paragraph (6)—  
16 (i) in subparagraph (C)—  
17 (I) in clause (i) by striking  
18 “and” at the end,  
19 (II) in clause (ii) by adding  
20 “and” at the end, and  
21 (III) by inserting after clause (ii)  
22 the following:  
23 “(iii) make use of trained volunteers  
24 in providing direct services delivered to el-  
25 derly and disabled individuals needing such



1 care and, if possible, work in coordination  
2 with volunteer programs (including pro-  
3 grams administered by the Corporation for  
4 National Service) designed to provide  
5 training, placement, and stipends for vol-  
6 unteers in community service settings.”.

7 (ii) in subparagraph (D)—

8 (I) by inserting “family care-  
9 givers of such individuals,” after  
10 “Act,”. and

11 (II) by inserting “service pro-  
12 viders, the business community,” after  
13 “individuals,”,

14 (E) by amending paragraph (7) to read as

15 follows:

16 “(7) provide that the area agency on aging  
17 shall, consistent with this section, facilitate the area-  
18 wide development and implementation of a com-  
19 prehensive, coordinated system for providing long-  
20 term care in home and community-based settings, in  
21 a manner responsive to the needs and preferences of  
22 older individuals and their family caregivers, by—

23 “(A) collaborating, coordinating, and con-  
24 sulting with other local public and private agen-  
25 cies and organizations responsible for admin-



1           istering programs, benefits, and services related  
2           to providing long-term care;

3           “(B) conducting analyses and making rec-  
4           ommendations with respect to strategies for  
5           modifying the local system of long-term care to  
6           better—

7                   “(i) respond to the needs and pref-  
8                   erences of older individuals and family  
9                   caregivers;

10                   “(ii) facilitate the provision, through  
11                   service providers, of long-term care in  
12                   home and community-based settings; and

13                   “(iii) target services to older individ-  
14                   uals at risk for institutional placement, to  
15                   permit such individuals to remain in home  
16                   and community-based care settings;

17           “(C) implement, through the agency or  
18           service providers, evidence-based programs to  
19           assist older individuals and their family care-  
20           givers in learning about and making behavioral  
21           changes intended to reduce the risk of injury,  
22           disease, and disability among older individuals;  
23           and

24           “(D) provide for the availability and dis-  
25           tribution (through public education campaigns,



1 aging and disability resource centers, and other  
2 appropriate means) of information relating to—

3 “(i) the need to plan in advance for  
4 long-term care; and

5 “(ii) the range of available public and  
6 private long-term care programs, options,  
7 and resources.”,

8 (F) by striking paragraph (14) and the 2  
9 paragraphs (15),

10 (G) by redesignating paragraph (16) as  
11 paragraph (14), and

12 (H) by adding at the end the following:

13 “(15) provide assurances that funds received  
14 under this title will be used—

15 “(A) in a manner, consistent with para-  
16 graph (4), that gives priority in furnishing ben-  
17 efits and services to older individuals with  
18 greatest economic need, older individuals with  
19 greatest social need, and older individuals at  
20 risk for institutional placement; and

21 “(B) in compliance with the assurances  
22 specified in paragraph (13) and the limitations  
23 specified in section 212(b); and



1           “(16) provide, to the maximum extent feasible,  
2           for the furnishing of services under this Act con-  
3           sistent with self-directed care.”,

4           (2) by redesignating subsections (b), (c), (d),  
5           and (e) as subsections (c), (d), (e), and (f), and

6           (3) by inserting after subsection (a) the fol-  
7           lowing:

8           “(b)(1) An area agency on aging may include in the  
9           area plan an assessment of how prepared the planning and  
10          service area is for any anticipated change in the number  
11          of older individual during the 10-year period following the  
12          fiscal year for which the plan is submitted. Such assess-  
13          ment may include—

14                 “(A) the projected change in the number  
15                 of older individuals in the planning and service  
16                 area;

17                 “(B) an analysis of how such change may  
18                 affect such individuals, including such individ-  
19                 uals with low incomes, such individuals with  
20                 greatest economic need, minority older individ-  
21                 uals, older individuals residing in rural areas,  
22                 and older individuals with limited English pro-  
23                 ficiency;

24                 “(C) an analysis of how the programs,  
25                 policies, and services provided in the planning



1 and service area can be improved, and how re-  
2 source levels can be adjusted, to meet the needs  
3 of the changing population of older individuals  
4 in such area; and

5 “(D) an analysis of how the change in the  
6 number of individuals 85 years of age and older  
7 is expected to affect the need for supportive  
8 services.

9 “(2) An area agency on aging, in cooperation with  
10 government officials, State agencies, tribal organizations,  
11 or local entities, may make recommendations to govern-  
12 ment officials in the planning and service area and the  
13 State, on actions determined by the area agency to build  
14 the capacity in the planning and service area to meet the  
15 needs of older individuals for—

16 “(A) health and human services;

17 “(B) land use;

18 “(C) housing;

19 “(D) transportation;

20 “(E) public safety;

21 “(F) workforce and economic development;

22 “(G) recreation;

23 “(H) education;

24 “(I) civic engagement; and



1 “(J) any other service as determined by such  
2 agency.”.

3 **SEC. 16. STATE PLANS.**

4 Section 307(a) of the Older Americans Act of 1965  
5 (42 U.S.C. 3027(a)) is amended—

6 (1) in paragraph (4) by striking “with par-  
7 ticular attention to low income minority individuals  
8 and older individuals residing in rural areas” and in-  
9 serting “low-income minority older individuals, older  
10 individuals with limited English proficiency, and  
11 older individuals residing in rural areas”,

12 (2) by striking paragraph (15),

13 (3) by redesignating paragraph (14) as para-  
14 graph (15),

15 (4) by inserting after paragraph (13) the fol-  
16 lowing:

17 “(14) The plan shall, with respect to the fiscal  
18 year preceding the fiscal year for which such plan is  
19 prepared—

20 “(A) identify the number of low-income  
21 minority older individuals in the State, includ-  
22 ing the number of low-income older individuals  
23 with limited English proficiency; and

24 “(B) describe the methods used to satisfy  
25 the service needs of such minority older individ-



1 uals, including the plan to service the needs of  
2 older individuals with limited English pro-  
3 ficiency.”,

4 (5) in clauses (ii) and (iii) of paragraph (16)(A)  
5 by striking “(with particular attention to low income  
6 minority individuals and older individuals residing in  
7 rural areas)” each place it appears and inserting  
8 “(with particular attention to low-income older indi-  
9 viduals, low-income minority older individuals, older  
10 individuals with limited English proficiency, and  
11 older individuals residing in rural areas)”, and

12 (6) by adding at the end the following:

13 “(27) The plan shall provide assurances that  
14 area agencies on aging will, to the maximum extent  
15 feasible, provide for the furnishing of services under  
16 this Act consistent with self-directed care.”.

17 **SEC. 17. PAYMENTS.**

18 Section 309(b)(2) of the Older Americans Act of  
19 1965 (42 U.S.C. 3029(b)(2)) is amended by striking “the  
20 non-Federal share required prior to fiscal year 1981” and  
21 inserting “10 percent of the cost of the services specified  
22 in such section 304(d)(1)(D)”.

23 **SEC. 18. CONSUMER CONTRIBUTIONS.**

24 Section 315 of the Older Americans Act of 1965 (42  
25 U.S.C. 3030c-2) is amended—





1 (1) in subsection (b)—

2 (A) in paragraph (1) by striking “provided  
3 that” and inserting “, and such contributions  
4 shall be encouraged for individuals whose self-  
5 declared income is at or above 125 percent of  
6 the poverty line and may be requested at con-  
7 tribution levels based on the actual cost of serv-  
8 ices, if”, and

9 (B) in paragraph (4)(E) by inserting “and  
10 to supplement (not supplant) funds received  
11 under this Act” after “given”.

12 (2) in subsection (c)(2) by striking “(with par-  
13 ticular attention to low income minority individuals  
14 and older individuals residing in rural areas)” and  
15 inserting “(with particular attention to low-income  
16 older individuals, including low-income minority  
17 older individuals, older individuals with limited  
18 English proficiency, and older individuals residing in  
19 rural areas)”, and

20 (3) in subsection (d) by striking “with par-  
21 ticular attention to low income minority individuals  
22 and older individuals residing in rural areas” and in-  
23 serting “, with particular attention to low-income  
24 older individuals, including low-income minority  
25 older individuals, older individuals with limited



1 English proficiency, and older individuals residing in  
2 rural areas”.

3 **SEC. 19. NUTRITION SERVICE.**

4 After the heading of part C of title III of the Older  
5 Americans Act of 1965 (42 U.S.C. 3030e–3030g–22), in-  
6 sert the following:

7 **“SEC. 330. PURPOSE.**

8 “It is the purpose of this part to promote socializa-  
9 tion and the health and well-being of older individuals by  
10 assisting such individuals to gain access to disease preven-  
11 tion and health promotion services (including information,  
12 nutrition services, and programs of physical activity) to  
13 delay the onset of health conditions resulting from poor  
14 nutritional health or sedentary behavior.”.

15 **SEC. 20. CONGREGATE NUTRITION PROGRAM.**

16 Section 331 of the Older Americans Act of 1965 (42  
17 U.S.C. 3030e) is amended—

18 (1) by striking “projects—” and inserting

19 “projects that—”,

20 (2) in paragraph (1) by striking “which”,

21 (3) in paragraph (2)—

22 (A) by striking “which”, and

23 (B) by striking “and” at the end,

24 (4) by striking paragraph (3) and inserting the

25 following:



1           “(3) provide nutrition education, nutrition  
2           counseling, and other nutrition services, as appro-  
3           priate, based on the needs of meal participants; and

4           “(4) may provide along with a meal described  
5           in (1), a multivitamin-mineral supplement as an ad-  
6           dition to such meal.”.

7   **SEC. 21. HOME DELIVERED NUTRITION SERVICES.**

8           Section 336 of the Older Americans Act of 1965 (42  
9   U.S.C. 3030f) is amended to read as follows:

10   **“SEC. 336 PROGRAM AUTHORIZED.**

11           “The Assistant Secretary shall establish and carry  
12           out a program to make grants to States under State plans  
13           approved under section 307 for the establishment and op-  
14           eration of nutrition projects for older individuals which  
15           provide, on 5 or more days a week (except in a rural area  
16           where such frequency is not feasible (as defined by the  
17           Assistant Secretary by rule) and a lesser frequency is ap-  
18           proved by the State agency)—

19           “(1) at least 1 home delivered meal per day  
20           consisting of hot, cold, frozen, dried, canned, fresh,  
21           or supplemental foods and any additional meals that  
22           the recipient of a grant or contract under this sub-  
23           part elects to provide; and



1           “(2) nutrition education, nutrition counseling,  
2           and other nutrition services as appropriate, based on  
3           the needs of meal recipients.”.

4   **SEC. 22. CRITERIA.**

5           Section 337 of the Older Americans Act of 1965 (42  
6   U.S.C. 3030g) is amended to read as follows:

7   **“SEC. 337. CRITERIA.**

8           “The Assistant Secretary, in consultation with ex-  
9   perts in the field of nutrition science, dietetics, meal plan-  
10   ning and food service management, and aging, shall de-  
11   velop minimum criteria of efficiency and quality for the  
12   furnishing of home delivered meal services for projects de-  
13   scribed in section 336.”.

14   **SEC. 23. NUTRITION.**

15           Section 339 of the Older Americans Act of 1965 (42  
16   U.S.C. 3030g–21) is amended—

17           (1) by amending paragraph (1) to read as fol-  
18   lows:

19           “(1) solicit the expertise of a dietitian or other  
20   individual with equivalent education and training in  
21   nutrition science, or if such an individual is not  
22   available, an individual with comparable expertise in  
23   the planning of nutritional services, and”, and

24           (2) in paragraph (2)—

25           (A) in subparagraph (A)—



1 (i) by amending clause (i) to read as  
2 follows:

3 “(i) comply with the most recent Die-  
4 tary Guidelines for Americans, published  
5 by the Secretary and the Secretary of Ag-  
6 riculture, and”, and

7 (ii) in clause (ii) by striking “daily  
8 recommended dietary allowances as” and  
9 inserting “dietary reference intakes”,  
10 (B) in subparagraph (D)—

11 (i) by inserting “joint” after “encour-  
12 ages”, and

13 (ii) by inserting “shared” after “pro-  
14 mote”,

15 (C) by amending subparagraph (G) to read  
16 as follows:

17 “(G) ensures that local meal providers so-  
18 licit the advice and expertise of—

19 “(i) a dietitian or, if a dietitian is not  
20 available, an individual with comparable  
21 expertise in the planning of nutrition and  
22 food services,

23 “(ii) meal participants, and



1 “(iii) other individuals knowledgeable  
2 with regard to the needs of older individ-  
3 uals,” and

4 (D) by amending subparagraph (J) to read  
5 as follows:

6 “(J) provide for nutrition screening and  
7 nutrition education, and nutrition assessment  
8 and counseling if appropriate.”.

9 **SEC. 24. CAREGIVER SUPPORT PROGRAM DEFINITIONS.**

10 Section 372(3) of the National Family Support Care-  
11 giver Act (42 U.S.C. 3030s(3)) is amended by striking  
12 “60” and inserting “55”.

13 **SEC. 25. CAREGIVER SUPPORT PROGRAM DEFINITIONS.**

14 Section 372(2) of the National Family Support Care-  
15 giver Act (42 U.S.C. 3030s) is amended by inserting “or  
16 an individual Alzheimer’s disease and related disorders  
17 with neurological and organic brain dysfunction” before  
18 the period at the end.

19 **SEC. 26. CAREGIVER SUPPORT PROGRAM.**

20 Section 373 of the National Family Support Care-  
21 giver Act (42 U.S.C. 3030s–1) is amended—

22 (1) in subsection by (b)(3) by striking “care-  
23 givers to assist” and all that follows through the end  
24 and inserting the following: “assist the caregivers in  
25 addressing caregiver issues related to the areas of



1 health, nutrition, and financial literacy, and in mak-  
2 ing decisions and solving problems relating to their  
3 caregiving roles;”,

4 (2) by amending subsection (d) to read as fol-  
5 lows:

6 “(d) USE OF VOLUNTEERS.—In carrying out this  
7 subpart, each area agency on aging shall encourage the  
8 use of trained volunteers to expand the available services  
9 described in subsection (b) and shall, if possible, coordi-  
10 nate with volunteer programs (including programs admin-  
11 istered by the Corporation for National Service) designed  
12 to provide training, placement, and stipends for volunteers  
13 in community service settings.”.

14 (3) in subsection (f)(1) by striking “2001  
15 through 2005” and inserting “2007, 2008, 2009,  
16 2010, and 2011”.

17 **SEC. 27. ACTIVITIES OF NATIONAL SIGNIFICANCE.**

18 Section 376(a) of the National Family Support Care-  
19 giver Act (42 U.S.C. 3030s–12(a)) is amended—

20 (1) by striking “(a)”,

21 (2) by striking “shall” and inserting “may”,

22 (3) by striking “program” and inserting “pro-  
23 grams that include”,

24 (4) by striking “research.” and inserting “re-  
25 search, including—



1 “(1) intergenerational programs, including supports  
2 for grandparents and other older relatives raising children,  
3 and sustaining and replicating innovative  
4 intergenerational family support programs that involve  
5 senior volunteers;

6 “(2) Programs providing support and information to  
7 families who have a child with a disability or chronic ill-  
8 ness and to other families in need of such family support  
9 programs;

10 “(3) programs addressing unique issues faced by  
11 rural caregivers;

12 “(4) programs focusing on the needs of older persons  
13 with Alzheimer’s disease and related dementia and their  
14 caregivers; and

15 “(5) programs supporting caregivers in the role they  
16 play in health promotion and disease prevention.”.

17 (5) by striking subsection (b).

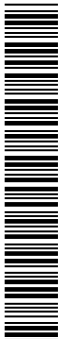
18 **SEC. 28. GRANT PROGRAMS.**

19 Section 411 of the Older Americans Act of 1965 (42  
20 U.S.C. 3032) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (8) by striking “and” at  
23 the end,

24 (B) by redesignating paragraph (9) as  
25 paragraph (11), and





1 (C) by inserting after paragraph (8) the  
2 following:

3 “(9) planning activities to prepare communities  
4 for the aging of the population, which include—

5 “(A) efforts to assess the aging population;

6 “(B) activities to coordinate State and  
7 local agencies in order to meet the needs of  
8 older individuals; and

9 “(C) training and technical assistance to  
10 support States, area agencies on aging, and  
11 tribal organizations receiving a grant under title  
12 VI, engage in community planning activities;  
13 and

14 “(10) the development, implementation, and as-  
15 sessment of technology-based service models and  
16 best practices, to support the use of health moni-  
17 toring and assessment technologies, communication  
18 devices, and other technologies that may remotely  
19 connect family and professional caregivers to frail el-  
20 derly residing in home- and community-based set-  
21 tings or rural areas.”.

22 (2) in subsection (b) by striking “year” and all  
23 that follows through “years”, and inserting “years  
24 2007, 2008, 2009, 2010, and 2011”.



1 **SEC. 29. CAREER PREPARATION FOR THE FIELD OF AGING.**

2 Section 412(a) of the Older Americans Act of 1965  
3 (42 U.S.C. 3032a(a)) is amended by amending subsection  
4 (a) to read as follows:

5 “(a) GRANTS.—The Assistant Secretary shall make  
6 grants to institutions of higher education, including his-  
7 torically Black colleges or universities, Hispanic serving  
8 institutions, and Hispanic Centers of Excellence in Ap-  
9 plied Gerontology, to provide education and training that  
10 prepares students for careers in the field of aging.”.

11 **SEC. 30. DEMONSTRATION PROJECTS FOR**  
12 **MULTIGENERATIONAL ACTIVITIES.**

13 Section 417(c)(2) of the Older Americans Act of  
14 1965 (42 U.S.C. 3032f(c)(2)) is amended by striking  
15 “(with particular attention to low income minority individ-  
16 uals and older individuals residing in rural areas)” and  
17 inserting “(with particular attention to low-income older  
18 individuals, including low-income minority older individ-  
19 uals, older individuals with limited English proficiency,  
20 and older individuals residing in rural areas)”.

21 **SEC. 31. COMMUNITY SERVICE EMPLOYMENT-BASED**  
22 **TRAINING FOR OLDER AMERICANS.**

23 Title V of the Older Americans Act of 1965 (42  
24 U.S.C. 3056 et seq.) is amended to read as follows:



1 **“TITLE V—COMMUNITY SERVICE**  
2 **EMPLOYMENT-BASED TRAIN-**  
3 **ING FOR OLDER AMERICANS**

4 **“SEC. 501. SHORT TITLE.**

5 “This title may be cited as the ‘Older American Com-  
6 munity Service Employment-Based Training Act’.

7 **“SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EM-**  
8 **PLOYMENT-BASED TRAINING PROGRAM.**

9 “(a) To foster individual economic self-sufficiency  
10 and to increase the number of individuals who may enjoy  
11 the benefits of unsubsidized employment in both the public  
12 and private sectors, the Secretary of Labor (hereafter in  
13 this title referred to as the ‘Secretary’) may establish an  
14 older American community service employment-based  
15 training program to foster and promote useful part-time  
16 public and private-sector employment-based training op-  
17 portunities for unemployed low-income eligible individuals  
18 who have poor employment prospects and to provide vital  
19 social and human services to communities by providing  
20 work experience to eligible individuals in public agencies,  
21 community-based and faith-based organizations.

22 “(b)(1) To carry out this title, the Secretary may  
23 make grants to public and nonprofit agencies and organi-  
24 zations, agencies of a State, and tribal organizations to  
25 carry out the program established under subsection (a).



1 Such grants may provide for the payment of costs, as pro-  
2 vided in subsection (c), of projects developed by such orga-  
3 nizations and agencies in cooperation with the Secretary  
4 in order to make such program effective or to supplement  
5 such program. No payment shall be made by the Secretary  
6 toward the cost of any project established or administered  
7 by any organization or agency unless the Secretary deter-  
8 mines that such project—

9 “(A) will provide authorized activities, including  
10 community service employment-based training, only  
11 for eligible individuals;

12 “(B)(i) will provide authorized activities, includ-  
13 ing community service employment-based training,  
14 for eligible individuals in the community in which  
15 such individuals reside, or in nearby communities; or

16 “(ii) if such project is carried out by a tribal or-  
17 ganization that receives a grant under this sub-  
18 section or receives assistance from a State that re-  
19 ceives a grant under this subsection, will provide au-  
20 thorized activities, including community service em-  
21 ployment-based training for such individuals, includ-  
22 ing those who are Indians residing on an Indian res-  
23 ervation, as defined in section 2601(2) of the En-  
24 ergy Policy Act of 1992 (25 U.S.C. 3501(2));



1           “(C) together with any other such project car-  
2           ried out by such grantee under this title, will ensure  
3           that the average duration of participation in the pro-  
4           gram under this title by the participants served by  
5           the grantee during any program year will not be in  
6           excess of 24 months;

7           “(D) will provide employment-based training to  
8           eligible individuals in service related to publicly  
9           owned and operated facilities and projects, or  
10          projects sponsored by profitmaking or nonprofit or-  
11          ganizations (excluding political parties exempt from  
12          taxation under section 501(c)(3) of the Internal Rev-  
13          enue Code of 1986), but excluding projects involving  
14          the construction, operation, or maintenance of any  
15          facility used or to be used as a place for sectarian  
16          religious instruction or worship;

17          “(E) will contribute to the general welfare of  
18          the community, which may include support for chil-  
19          dren, youth, and families;

20          “(F) is intended to result in unsubsidized em-  
21          ployment for eligible individuals after completion of  
22          such program;

23          “(G)(i) will not reduce the number of job oppor-  
24          tunities or vacancies that would otherwise be avail-



1       able to individuals not participating in such pro-  
2       gram;

3           “(ii) will not displace currently employed work-  
4       ers (including partial displacement, such as a reduc-  
5       tion in the hours of non-overtime work, wages, or  
6       employment benefits);

7           “(iii) will not impair existing contracts or result  
8       in the substitution of Federal funds for other funds  
9       in connection with work that would otherwise be per-  
10      formed; and

11          “(iv) will not place an eligible individual in em-  
12      ployment-based training to perform work the same  
13      or substantially the same work as that performed by  
14      any other individual who is on layoff;

15          “(H) will coordinate with training and other  
16      services provided under title I of the Workforce In-  
17      vestment Act, including utilizing the One-Stop deliv-  
18      ery system to recruit eligible individuals to ensure  
19      that the maximum number of eligible individuals will  
20      have an opportunity to participate in the project;

21          “(I) will include such training (such as commu-  
22      nity service employment-based training, work experi-  
23      ence, on-the-job training, and classroom training) as  
24      may be necessary to make the most effective use of



1 the skills and talents of those individuals who are  
2 participating;

3 “(J) will ensure that safe and healthy condi-  
4 tions of the employment-based training facility or  
5 other training facility will be provided, and will en-  
6 sure that individuals employed in community service  
7 and other jobs assisted under this title shall be paid  
8 wages that shall not be lower than whichever is the  
9 highest of—

10 “(i) the minimum wage that would be ap-  
11 plicable to the employee under the Fair Labor  
12 Standards Act of 1938, if section 6(a)(1) of  
13 such Act applied to the participant and if the  
14 participant were not exempt under section 13  
15 thereof;

16 “(ii) the State or local minimum wage for  
17 the most nearly comparable covered employ-  
18 ment; or

19 “(iii) the prevailing rates of pay for indi-  
20 viduals employed in similar occupations by the  
21 same employer;

22 “(K) will be established or administered with  
23 the advice of persons competent in the field of serv-  
24 ice in which job training is being provided, and of



1 persons who are knowledgeable about the needs of  
2 older individuals;

3 “(L) will authorize payment for necessary sup-  
4 portive service costs, (including transportation costs)  
5 of eligible individuals that may be incurred in train-  
6 ing in any project funded under this title, in accord-  
7 ance with rules issued by the Secretary;

8 “(M) will ensure that, to the extent feasible,  
9 such project will serve the needs of minority, limited  
10 English-speaking, and Indian eligible individuals,  
11 and eligible individuals who have the greatest eco-  
12 nomic need, at least in proportion to their numbers  
13 in the State and take into consideration their rates  
14 of poverty and unemployment;

15 “(N)(i) will prepare an assessment of the par-  
16 ticipants’ skills and talents and their needs for serv-  
17 ices, except to the extent such project has, for the  
18 participant involved, recently prepared an assess-  
19 ment of such skills and talents, and such needs, pur-  
20 suant to another employment or training program  
21 (such as a program under the Workforce Investment  
22 Act of 1998 (29 U.S.C. 2801 et seq.), the Carl D.  
23 Perkins Vocational and Technical Education Act of  
24 1998 (20 U.S.C. 2301 et seq.), or part A of title IV  
25 of the Social Security Act (42 U.S.C. 601 et seq.));





1           “(ii) will provide training and employment  
2           counseling to eligible individuals based on strategies  
3           that identify appropriate employment objectives and  
4           the need for supportive services, developed as a re-  
5           sult of the assessment and service strategy provided  
6           for in clause (i), and provide other appropriate infor-  
7           mation regarding such program; and

8           “(iii) will provide counseling to participants on  
9           their progress in meeting such objectives and satis-  
10          fying their need for supportive services;

11          “(O) will provide appropriate services for par-  
12          ticipants through the One-Stop delivery system as  
13          established under section 134(c) of the Workforce  
14          Investment Act of 1998 (29 U.S.C. 2864(c)), and  
15          will be involved in the planning and operations of  
16          such system pursuant to a memorandum of under-  
17          standing with the local workforce investment board  
18          in accordance with section 121(c) of such Act (29  
19          U.S.C. 2841(c));

20          “(P) will post in such project workplace a no-  
21          tice, and will make available to each person associ-  
22          ated with such project a written explanation—

23                 “(i) clarifying the law with respect to polit-  
24                 ical activities allowable and unallowable under  
25                 chapter 15 of title 5, United States Code, appli-



1 cable to the project and to each category of in-  
2 dividuals associated with such project; and

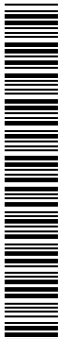
3 “(ii) containing the address and telephone  
4 number of the Inspector General of the Depart-  
5 ment of Labor, to whom questions regarding  
6 the application of such chapter may be ad-  
7 dressed;

8 “(Q) will provide to the Secretary the descrip-  
9 tion and information described in—

10 “(i) paragraph (8), relating to coordination  
11 with other Federal programs, of section 112(b)  
12 of the Workforce and Investment Act of 1998;  
13 and

14 “(ii) paragraph (14), relating to implemen-  
15 tation of One-Stop delivery systems, of section  
16 112(b) of the Workforce Investment Act of  
17 1998; and

18 “(R) will ensure that entities that carry out ac-  
19 tivities under the project (including State agencies,  
20 local entities, subgrantees, subcontractors) and affili-  
21 ates of such entities receive an amount of the admin-  
22 istrative cost allocation determined by the Secretary  
23 to be sufficient.



1 “(2) The Secretary may establish, issue, and amend  
2 such regulations as may be necessary to effectively carry  
3 out this title.

4 “(3)(A) An assessment and service strategy required  
5 by paragraph (1) to be prepared for an eligible individual  
6 shall satisfy any condition for an assessment and service  
7 strategy or individual employment plan for an adult par-  
8 ticipant under subtitle B of title I of the Workforce Invest-  
9 ment Act of 1998 (29 U.S.C. 2811 et seq.), in order to  
10 determine whether such eligible individual also qualifies  
11 for intensive or training services described in section  
12 134(d) of such Act (29 U.S.C. 2864(d)).

13 “(B) An assessment and service strategy or indi-  
14 vidual employment plan prepared under subtitle B of title  
15 I of the Workforce Investment Act of 1998 (29 U.S.C.  
16 2811 et seq.) for an eligible individual may be used to  
17 comply with the requirement specified in subparagraph  
18 (A).

19 “(c)(1) The Secretary may pay a share not to exceed  
20 90 percent of the cost of any project for which a grant  
21 is made under subsection (b), except that the Secretary  
22 may pay all of such cost if such project is—

23 “(A) an emergency or disaster project; or

24 “(B) a project located in an economically de-  
25 pressed area, as determined by the Secretary in con-



1 sultation with the Secretary of Commerce and the  
2 Secretary of Health and Human Services.

3 “(2) The non-Federal share shall be in cash or in  
4 kind. In determining the amount of the non-Federal share,  
5 the Secretary may attribute fair market value to services  
6 and facilities contributed from non-Federal sources.

7 “(3) Of the amount to be paid under this subsection  
8 by the Secretary for a project, not to exceed 13.5 percent  
9 shall be available for any fiscal year to pay the administra-  
10 tive costs of such project, except that—

11 “(A) the Secretary may increase the amount  
12 available to pay administrative costs to an amount  
13 not to exceed 15 percent of the cost of such project  
14 if the Secretary determines, based on information  
15 submitted by the grantee under subsection (b), that  
16 such increase is necessary to carry out such project;  
17 and

18 “(B) if the grantee under subsection (b) dem-  
19 onstrates to the Secretary that—

20 “(i) major administrative cost increases  
21 are being incurred in necessary program compo-  
22 nents, including liability insurance, payments  
23 for workers’ compensation, costs associated  
24 with achieving unsubsidized placement goals,



1 and other operation requirements imposed by  
2 the Secretary;

3 “(ii) the number of positions in the project  
4 or the number of minority eligible individuals  
5 participating in the project will decline if the  
6 amount available to pay administrative costs is  
7 not increased; or

8 “(iii) the size of the project is so small that  
9 the amount of administrative costs incurred to  
10 carry out the project necessarily exceeds 13.5  
11 percent of the cost of such project;

12 the Secretary shall increase the amount available for  
13 such fiscal year to pay administrative costs to an  
14 amount not to exceed 15 percent of the cost of such  
15 project.

16 “(4) Administrative costs are the costs, both per-  
17 sonnel and non-personnel and both direct and indirect, as-  
18 sociated with the following:

19 “(A) The costs of performing general adminis-  
20 trative functions and of providing for the coordina-  
21 tion of functions, such as—

22 “(i) accounting, budgeting, financial, cash  
23 management and related data processing;

24 “(ii) quality assurance;

25 “(iii) preparing program plans;



- 1                   “(iv) procurement and purchasing;  
2                   “(v) property management;  
3                   “(vi) personnel management, including  
4                   personnel administration, administration of af-  
5                   firmative action plans, and training and staff  
6                   development;  
7                   “(vii) administrative salaries, including  
8                   clerical and other support staff salaries;  
9                   “(viii) payroll functions;  
10                  “(ix) coordinating the resolution of find-  
11                  ings arising from audits, reviews, investigations,  
12                  and incident reports;  
13                  “(x) audit;  
14                  “(xi) general legal services;  
15                  “(xii) developing systems and procedures,  
16                  including information systems, required for ad-  
17                  ministrative functions;  
18                  “(xiii) preparing reports; and  
19                  “(xiv) other activities necessary for the  
20                  general administration of government funds and  
21                  associated programs.  
22                  “(B) The costs of performing oversight and  
23                  monitoring responsibilities.  
24                  “(C) The costs of goods and services required  
25                  for administrative functions of such program, includ-



1 ing goods and services such as rental or purchase of  
2 equipment, utilities, office supplies, postage, and  
3 rental and maintenance of office space.

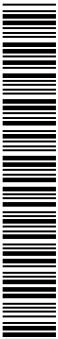
4 “(D) The travel costs incurred for official busi-  
5 ness in carrying out such program, excluding travel  
6 costs related to providing services.

7 “(E) The costs of information systems related  
8 to personnel, procurement, purchasing, property  
9 management, accounting, and payroll systems), in-  
10 cluding the purchase, systems development, and op-  
11 erating costs of such systems.

12 “(F) The costs of technical assistance, profes-  
13 sional organization membership dues, removal of ar-  
14 chitectural barriers, operating and maintaining as-  
15 sistive technology, and evaluating program results  
16 against stated objectives.

17 “(5) To the extent practicable, an entity that carries  
18 out a project under this title shall provide for the payment  
19 of the expenses described in paragraph (4) from non-Fed-  
20 eral sources.

21 “(6)(A) Amounts made available for a project under  
22 this title that are not used to pay for the administrative  
23 costs shall be used to pay for the costs of programmatic  
24 activities, including—

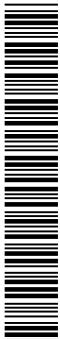


1           “(i) participant wages, such benefits as are re-  
2           quired by law (such as workers compensation or un-  
3           employment compensation) the costs of physical ex-  
4           aminations, compensation for scheduled work hours  
5           during which an employer is closed for a Federal  
6           holiday, and necessary sick leave that is not part of  
7           an accumulated sick leave program, except that no  
8           amounts provided under this title may be used to  
9           pay the cost of pension benefits, annual leave, accu-  
10          mulated sick leave, or bonuses;

11          “(ii) participant training (including the pay-  
12          ment of reasonable costs of instructors, classroom  
13          rental, training supplies, materials, equipment, and  
14          tuition) which may be provided prior to or subse-  
15          quent to placement and which may be provided on  
16          the job, in a classroom setting or pursuant to other  
17          appropriate arrangements;

18          “(iii) job placement assistance, including job de-  
19          velopment and job search assistance;

20          “(iv) participant supportive services to enable a  
21          participant to successfully participate in a project  
22          under this title, which may include the payment of  
23          reasonable costs of transportation, special job-related  
24          or personal counseling, incidentals (such as work  
25          shoes, badges, uniforms, eyeglasses, and tools), child





1 and adult care, temporary shelter, and follow-up  
2 services; and

3 “(v) outreach, recruitment, and selection, in-  
4 take, orientation, and assessments.

5 “(B) Not less than 65 percent of the funds made  
6 available under a grant made under this title (excluding  
7 a grant made under subsection (d)) shall be used to pay  
8 wages and benefits for eligible individuals who are em-  
9 ployed under projects carried out under this title.

10 “(d) PILOT, DEMONSTRATION, AND EVALUATION  
11 PROJECTS.—The Secretary shall use funds reserved under  
12 section 506(a)(1) to carry out demonstration projects,  
13 pilot projects, and evaluation projects, for the purpose of  
14 developing and implementing techniques and approaches,  
15 and demonstrating the effectiveness of the specialized  
16 methods, in addressing the employment and training  
17 needs of eligible individuals. Such projects may include—

18 “(1) activities linking businesses and eligible in-  
19 dividuals, including assistance to participants  
20 transitioning from subsidized activities to private-  
21 sector employment; and

22 “(2) demonstration projects and pilot projects  
23 designed to—

24 “(A) attract more eligible individuals into  
25 the labor force;



1           “(B) improve the provision of services to  
2           eligible individuals under the One-Stop delivery  
3           system established in accordance with title I of  
4           the Workforce Investment Act of 1998;

5           “(C) enhance the technological skills of eli-  
6           gible individuals; and

7           “(D) provide incentives to grantees under  
8           this title for exemplary performance and incen-  
9           tives to businesses to promote their participa-  
10          tion in the program under this title;

11          “(3) demonstration projects and pilot projects,  
12          as described in paragraph (2), for older workers only  
13          if such demonstration projects and pilot projects are  
14          designed to assist in developing and implementing  
15          techniques and approaches in addressing the employ-  
16          ment and training needs of eligible individuals;

17          “(4) training and technical assistance to sup-  
18          port any project funded under this title;

19          “(5) dissemination of best practices; and

20          “(6) evaluation of the activities authorized  
21          under this title.

22   **“SEC. 503. ADMINISTRATION.**

23          “(a) STATE PLAN.—

24                  “(1) CHIEF EXECUTIVE OFFICER SUBMITS  
25          PLAN.—For a State to be eligible to receive an allot-

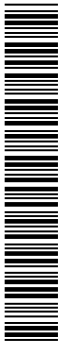


1       ment under section, 506, the chief executive officer  
2       of the State shall submit to the Secretary for consid-  
3       eration and approval, a single State plan (referred to  
4       in this title as the ‘State plan’) that outlines a 3-  
5       year strategy for the statewide provision of training  
6       and related activities for eligible individuals under  
7       this title. The plan shall contain such provisions as  
8       the Secretary may require, consistent with this title,  
9       including a description of the process used to ensure  
10      the participation of individuals described in para-  
11      graph (2).

12           “(2) RECOMMENDATIONS.—In developing the  
13      State plan prior to its submission to the Secretary,  
14      the chief executive officer of the State shall seek the  
15      advice and recommendations of—

16           “(A) individuals representing the State  
17      agency and the area agencies on aging in the  
18      State, and the State and local workforce invest-  
19      ment boards established under title I of the  
20      Workforce Investment Act of 1998 (29 U.S.C.  
21      2801 et seq.);

22           “(B) individuals representing public and  
23      nonprofit private agencies and organizations  
24      providing employment services, including each



1 grantee operating a project under this title in  
2 the State; and

3 “(C) individuals representing social service  
4 organizations providing services to older individ-  
5 uals, grantees under title III of this Act, af-  
6 fected communities, unemployed older individ-  
7 uals, community-based organizations serving  
8 the needs of older individuals, business organi-  
9 zations, and labor organizations..

10 “(3) PLAN PROVISIONS.—The State plan shall  
11 identify and address—

12 “(A) the relationship that the number of  
13 eligible individuals in each area bears to the  
14 total number of eligible individuals, respectively,  
15 in the State;

16 “(B) the relative distribution of eligible in-  
17 dividuals residing in rural and urban areas in  
18 the State; and

19 “(C) the relative distribution of—

20 “(i) eligible individuals who are indi-  
21 viduals with greatest economic need;

22 “(ii) eligible individuals who are mi-  
23 nority individuals, including individuals  
24 who are limited English proficient; and



1 “(iii) eligible individuals who are indi-  
2 viduals with greatest social need;

3 “(D) the current and projected employ-  
4 ment opportunities in the State, by occupation,  
5 and the type of skills possessed by local eligible  
6 individuals;

7 “(E) the localities and populations for  
8 which projects of the type authorized by this  
9 title are most needed; and

10 “(F) plans for facilitating the coordination  
11 of activities of grantees in the State under this  
12 title with activities carried out in the State  
13 under title I of the Workforce Investment Act  
14 of 1998.

15 “(4) CHIEF EXECUTIVE OFFICER’S REC-  
16 OMMENDATIONS ON GRANT PROPOSALS.—Before a  
17 proposal for a grant under this title for any fiscal  
18 year is submitted to the Secretary, the chief execu-  
19 tive officer of each State in which projects are pro-  
20 posed to be conducted under such grant shall be af-  
21 forded a reasonable opportunity to submit rec-  
22 ommendations to the Secretary—

23 “(A) regarding the anticipated effect of  
24 each such proposal upon the overall distribution  
25 of enrollment positions under this title in the



1 State (including such distribution among urban  
2 and rural areas), taking into account the total  
3 number of positions to be provided by all grant-  
4 ees in the State;

5 “(B) any recommendations for redistribu-  
6 tion of positions to under served areas as va-  
7 cancies occur in previously encumbered posi-  
8 tions in other areas; and

9 “(C) in the case of any increase in funding  
10 that may be available for use in the State under  
11 this title for any fiscal year, any recommenda-  
12 tions for distribution of newly available posi-  
13 tions in excess of those available during the pre-  
14 ceding year to underserved areas.

15 “(5) DISRUPTIONS.—In developing plans and  
16 considering recommendations under this subsection,  
17 disruptions in the provision of services for current  
18 participants shall be avoided to the greatest possible  
19 extent.

20 “(6) DETERMINATION; REVIEW.—

21 “(A) DETERMINATION.—In order to effec-  
22 tively carry out this title, each State shall make  
23 the State plan available for public comment.  
24 The Secretary, in consultation with the Assist-  
25 ant Secretary, shall review the plan and make



1 a written determination with findings and a de-  
2 cision regarding the plan.

3 “(B) REVIEW.—The Secretary may review,  
4 on the Secretary’s own initiative or at the re-  
5 quest of any public or private agency or organi-  
6 zation or of any agency of the State, the dis-  
7 tribution of projects and services under this  
8 title in the State including the distribution be-  
9 tween urban and rural areas in the State. For  
10 each proposed reallocation of projects or serv-  
11 ices in a State, the Secretary shall give notice  
12 and opportunity for public comment.

13 “(7) EXEMPTION.—The grantees that serve eli-  
14 gible individuals who are older Indians with funds  
15 reserved under section 506(a)(3) may not be re-  
16 quired to participate in the State planning processes  
17 described in this section but will collaborate with the  
18 Secretary to develop a plan for projects and services  
19 to eligible individuals who are Indians.

20 “(b) COORDINATION WITH OTHER FEDERAL PRO-  
21 GRAMS.—

22 “(1) The Secretary and the Assistant Secretary  
23 shall coordinate the program carried out under this  
24 title with programs carried out under other titles of



1       this Act, to increase job opportunities available to  
2       older individuals.

3           “(2) The Secretary shall coordinate programs  
4       carried out under this title with the program carried  
5       out under the Workforce Investment Act of 1998,  
6       the Community Services Block Grant Act, the Reha-  
7       bilitation Act of 1973, the Carl D. Perkins Voca-  
8       tional and Technical Education Act of 1998 (20  
9       U.S.C. 2301 et seq.), the National and Community  
10      Service Act of 1990 (42 U.S.C. 12501 et seq.), and  
11      the Domestic Volunteer Service Act of 1973 (42  
12      U.S.C. 4950 et seq.). The Secretary shall coordinate  
13      the administration of this title with the administra-  
14      tion of other titles of this Act by the Assistant Sec-  
15      retary to increase the likelihood that eligible individ-  
16      uals for whom employment opportunities under this  
17      title are available and who need services under such  
18      titles receive such services. Funds appropriated to  
19      carry out this title may not be used to carry out any  
20      program under the Workforce Investment Act of  
21      1998, the Community Services Block Grant Act, the  
22      Rehabilitation Act of 1973, the Carl D. Perkins Vo-  
23      cational and Technical Education Act of 1998, the  
24      National and Community Service Act of 1990, or  
25      the Domestic Volunteer Service Act of 1973. The





1 preceding sentence shall not be construed to prohibit  
2 carrying out projects under this title jointly with  
3 programs, projects, or activities under any Act speci-  
4 fied in such sentence, or from carrying out section  
5 512.

6 “(3) The Secretary shall distribute to grantees  
7 under this title, for distribution to program partici-  
8 pants, and at no cost to grantees or participants, in-  
9 formational materials developed and supplied by the  
10 Equal Employment Opportunity Commission and  
11 other appropriate Federal agencies that the Sec-  
12 retary determines are designed to help participants  
13 identify age discrimination and to understand their  
14 rights under the Age Discrimination in Employment  
15 Act of 1967.

16 “(c) In carrying out this title, the Secretary may use,  
17 with their consent, the services, equipment, personnel, and  
18 facilities of Federal and other agencies with or without  
19 reimbursement, and on a similar basis to cooperate with  
20 other public and private agencies and instrumentalities in  
21 the use of services, equipment, and facilities.

22 “(d) Payments under this title may be made in ad-  
23 vance or by way of reimbursement and in such install-  
24 ments as the Secretary may determine.



1       “(e) The Secretary shall not delegate any function of  
2 the Secretary under this title to any other Federal officer  
3 or entity.

4       “(f)(1) The Secretary shall monitor projects for  
5 which grants are made under this title to determine  
6 whether the grantees are complying with rules and regula-  
7 tions issued to carry out this title (including the statewide  
8 planning, consultation, and coordination requirements of  
9 this title).

10       “(2) Each grantee that receives funds under this title  
11 shall comply with the applicable uniform cost principles  
12 and appropriate administrative requirements for grants  
13 and contracts that are applicable to the type of entity that  
14 receives funds, as issued as circulars or rules of the Office  
15 of Management and Budget.

16       “(3) Each grantee described in paragraph (2) shall  
17 prepare and submit a report in such manner and con-  
18 taining such information as the Secretary may require re-  
19 garding activities carried out under this title.

20       “(4) Each grantee described in paragraph (2) shall  
21 keep records that—

22               “(A) are sufficient to permit the preparation of  
23 reports required by this title;



1           “(B) are sufficient to permit the tracing of  
2           funds to a level of expenditure adequate to ensure  
3           that the funds have not been spent unlawfully; and

4           “(C) contain any other information that the  
5           Secretary determines to be appropriate.

6           “(g) The Secretary shall establish by rule and imple-  
7           ment a process to evaluate, in accordance with section  
8           513, the performance of projects and services carried out  
9           under this title. The Secretary shall report to the Con-  
10          gress, and make available to the public, the results of each  
11          such evaluation and shall use such evaluation to improve  
12          services delivered by, or the operation of, projects carried  
13          out under this title.

14       **“SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

15          “(a) Eligible individuals who are participants in au-  
16          thorized activities in any project funded under this title  
17          shall not be considered to be Federal employees as a result  
18          of such participation and shall not be subject to part III  
19          of title 5, United States Code.

20          “(b) No grant, subgrant, contract or subcontract  
21          shall be entered into under this title with an entity who  
22          is, or whose employees are, under State law, exempted  
23          from operation of the State workers’ compensation law,  
24          generally applicable to employees unless the entity shall  
25          undertake to provide either through insurance by a recog-



1 nized carrier or by self-insurance, as authorized by State  
2 law, that the persons employed under the grant, contract,  
3 subgrant, or subcontract shall enjoy workers' compensa-  
4 tion coverage equal to that provided by law for covered  
5 employment.

6 **“SEC. 505. INTERAGENCY COOPERATION.**

7 “(a) The Secretary shall consult with and obtain the  
8 written views of the Assistant Secretary before issuing  
9 rules and before establishing general policy in the adminis-  
10 tration of this title.

11 “(b) The Secretary shall consult and cooperate with  
12 the Director of the Office of Community Services, the Sec-  
13 retary of Health and Human Services, and the heads of  
14 other Federal agencies that carry out related programs,  
15 in order to achieve optimal coordination with such other  
16 programs. In carrying out this section, the Secretary shall  
17 promote programs or projects of a similar nature. Each  
18 Federal agency shall cooperate with the Secretary in dis-  
19 seminating information relating to the availability of as-  
20 sistance under this title and in promoting the identifica-  
21 tion and interests of individuals eligible for employment  
22 in projects assisted under this title.

23 “(c)(1) The Secretary shall promote and coordinate  
24 carrying out projects under this title jointly with pro-  
25 grams, projects, or activities carried out under other Acts,



1 especially activities provided under the Workforce Invest-  
2 ment Act of 1998 (29 U.S.C. 2801 et seq.), including ac-  
3 tivities provided through One-Stop delivery systems estab-  
4 lished under section 134(c) of such Act (29 U.S.C.  
5 2864(c)), that provide training and employment opportu-  
6 nities to eligible individuals.

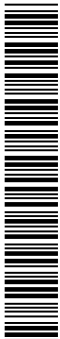
7 “(2) The Secretary shall consult with the Secretary  
8 of Education to promote and coordinate carrying out  
9 projects under this title jointly with workforce investment  
10 activities in which eligible individuals may participate that  
11 are carried out under the Carl D. Perkins Vocational and  
12 Technical Education Act of 1998.

13 **“SEC. 506. DISTRIBUTION OF ASSISTANCE.**

14 “(a) RESERVATIONS.—

15 “(1) RESERVATION FOR NATIONAL ACTIVI-  
16 TIES.—Of the funds appropriated to carry out this  
17 title for each fiscal year, the Secretary may first re-  
18 serve up to 1.5 percent to carry out demonstration  
19 projects, pilot projects, and evaluation projects  
20 under section 502(d).

21 “(2) RESERVATION FOR TERRITORIES.—Of the  
22 funds appropriated to carry out this title for each  
23 fiscal year, the Secretary shall reserve up to 0.75  
24 percent, of which—



1           “(A) Guam, American Samoa, and the  
2           United States Virgin Islands shall each receive  
3           30 percent of the funds so reserved; and

4           “(B) the Commonwealth of the Northern  
5           Mariana Islands shall receive 10 percent of the  
6           funds so reserved.

7           “(3) RESERVATION FOR ORGANIZATIONS.—Of  
8           the funds appropriated to carry out this title for  
9           each fiscal year, the Secretary shall reserve such  
10          amount as may be necessary to make national  
11          grants to public or nonprofit national Indian aging  
12          organizations with the ability to provide authorized  
13          activities for eligible individuals who are Indians and  
14          to national public or nonprofit Pacific Island and  
15          Asian American aging organizations with the ability  
16          to provide authorized activities for eligible individ-  
17          uals who are Pacific Island and Asian Americans.

18          “(b) STATE ALLOTMENTS.—The allotment for each  
19          State shall be the sum of the amounts allotted for national  
20          grants in such State under subsection (d) and for the  
21          grant to such State under subsection (e).

22          “(c) DIVISION BETWEEN NATIONAL GRANTS AND  
23          GRANTS TO STATES.—The funds appropriated to carry  
24          out this title for any fiscal year that remain after amounts  
25          are reserved under paragraphs (1), (2), and (3) of sub-



1 section (a), shall be divided by the Secretary between na-  
2 tional grants and grants to States as follows:

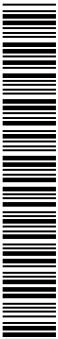
3 “(1) RESERVATION OF FUNDS FOR FISCAL  
4 YEAR 2006 LEVEL OF ACTIVITIES.—

5 “(A) The Secretary shall reserve the  
6 amount of funds necessary to maintain the fis-  
7 cal year 2006 level of activities supported by  
8 grantees that operate under this title under na-  
9 tional grants from the Secretary, and the fiscal  
10 year 2006 level of activities supported by State  
11 grantees under this title, in proportion to their  
12 respective fiscal year 2006 levels of activities.

13 “(B) If in any fiscal year for which the  
14 funds appropriated to carry out this title are in-  
15 sufficient to satisfy the requirement specified in  
16 subparagraph (A), then the amount described  
17 in subparagraph (A) shall be reduced propor-  
18 tionally.

19 “(2) FUNDING IN EXCESS OF FISCAL YEAR 2006  
20 LEVEL OF ACTIVITIES.—

21 “(A) UP TO \$35,000,000.—The amount of  
22 funds remaining after the application of para-  
23 graph (1), but not to exceed \$35,000,000, shall  
24 be divided so that 75 percent shall be provided  
25 to State grantees and 25 percent shall be pro-



1           vided to grantees that operate under this title  
2           under national grants from the Secretary.

3           “(B) OVER \$35,000,000.—The amount of  
4           funds remaining (if any) after the application of  
5           subparagraph (A) shall be divided so that 50  
6           percent shall be provided to State grantees and  
7           50 percent shall be provided to grantees that  
8           operate under this title under national grants  
9           from the Secretary.

10          “(d) ALLOTMENTS FOR NATIONAL GRANTS.—From  
11 funds available under subsection (c) for national grants,  
12 the Secretary shall allot for public and nonprofit private  
13 agency and organization grantees that operate under this  
14 title under national grants from the Secretary in each  
15 State, an amount that bears the same ratio to such funds  
16 as the product of the number of individuals 55 years of  
17 age or older in the State and the allotment percentage of  
18 such State bears to the sum of the corresponding products  
19 for all States, except as follows:

20          “(1) MINIMUM ALLOTMENT.—No State shall be  
21          provided an amount under this subsection that is  
22          less than  $\frac{1}{2}$  of 1 percent of the amount provided  
23          under subsection (c) for public and nonprofit private  
24          agency and organization grantees that operate under





1       this title under national grants from the Secretary  
2       in all of the States.

3               “(2) HOLD HARMLESS.—If the amount pro-  
4       vided under subsection (c) is—

5               “(A) equal to or less than the amount nec-  
6       essary to maintain the fiscal year 2006 level of  
7       activities, allotments for grantees that operate  
8       under this title under national grants from the  
9       Secretary in each State shall be proportional to  
10      their fiscal year 2006 level of activities; or

11              “(B) greater than the amount necessary to  
12      maintain the fiscal year 2006 level of activities,  
13      no State shall be provided a percentage increase  
14      above the fiscal year 2006 level of activities for  
15      grantees that operate under this title under na-  
16      tional grants from the Secretary in the State  
17      that is less than 30 percent of such percentage  
18      increase above the fiscal year 2006 level of ac-  
19      tivities for public and nonprofit private agency  
20      and organization grantees that operate under  
21      this title under national grants from the Sec-  
22      retary in all of the States.

23              “(3) REDUCTION.—Allotments for States not  
24      affected by paragraphs (1) and (2)(B) of this sub-



1 section shall be reduced proportionally to satisfy the  
2 conditions in such paragraphs.

3 “(e) ALLOTMENTS FOR GRANTS TO STATES.—From  
4 the amount provided for grants to States under subsection  
5 (c), the Secretary shall allot for the State grantee in each  
6 State an amount that bears the same ratio to such amount  
7 as the product of the number of individuals 55 years of  
8 age or older in the State and the allotment percentage of  
9 such State bears to the sum of the corresponding product  
10 for all States, except as follows:

11 “(1) MINIMUM ALLOTMENT.—No State shall be  
12 provided an amount under this subsection that is  
13 less than  $\frac{1}{2}$  of 1 percent of the amount provided  
14 under subsection (c) for State grantees in all of the  
15 States.

16 “(2) HOLD HARMLESS.—If the amount pro-  
17 vided under subsection (c) is—

18 “(A) equal to or less than the amount nec-  
19 essary to maintain the fiscal year 2006 level of  
20 activities, allotments for State grantees in each  
21 State shall be proportional to their fiscal year  
22 2006 level of activities; or

23 “(B) greater than the amount necessary to  
24 maintain the fiscal year 2006 level of activities,  
25 no State shall be provided a percentage increase



1           above the fiscal year 2006 level of activities for  
2           State grantees in the State that is less than 30  
3           percent of such percentage increase above the  
4           fiscal year 2006 level of activities for State  
5           grantees in all of the States.

6           “(3) REDUCTION.—Allotments for States not  
7           affected by paragraphs (1) and (2)(B) of this sub-  
8           section shall be reduced proportionally to satisfy the  
9           conditions in such paragraphs.

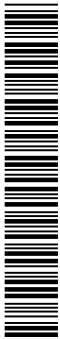
10          “(f) ALLOTMENT PERCENTAGE.—For purposes of  
11 subsections (d) and (e)—

12           “(1) the allotment percentage of each State  
13           shall be 100 percent less than percentage that bears  
14           the same ratio to 50 percent as the per capita in-  
15           come of such State bears to the per capita income  
16           of the United States, except that—

17                   “(A) the allotment percentage shall be not  
18                   more than 75 percent and not less than 33 per-  
19                   cent; and

20                   “(B) the allotment percentage for the Dis-  
21                   trict of Columbia and the Commonwealth of  
22                   Puerto Rico shall be 75 percent;

23           “(2) the number of individuals 55 years of age  
24           or older in any State and in all States, and the per  
25           capita income in any State and in all States, shall



1 be determined by the Secretary on the basis of the  
2 most satisfactory data available to the Secretary;  
3 and

4 “(3) for the purpose of determining the allot-  
5 ment percentage, the term ‘United States’ means  
6 the 50 States and the District of Columbia.

7 “(g) DEFINITIONS.—For purposes of this section:

8 “(1) COST PER AUTHORIZED POSITION.—The  
9 term ‘cost per authorized position’ means the sum  
10 of—

11 “(A) the hourly minimum wage rate speci-  
12 fied in section 6(a)(1) of the Fair Labor Stand-  
13 ards Act of 1938 (29 U.S.C. 206(a)(1)), multi-  
14 plied by the number of hours equal to the prod-  
15 uct of 21 hours and 52 weeks;

16 “(B) an amount equal to 11 percent of the  
17 amount specified under subparagraph (A), for  
18 the purpose of covering Federal payments for  
19 fringe benefits; and

20 “(C) an amount determined by the Sec-  
21 retary, for the purpose of covering Federal pay-  
22 ments for the remainder of all other program  
23 and administrative costs.



1           “(2) FISCAL YEAR 2006 LEVEL OF ACTIVI-  
2           TIES.—The term ‘fiscal year 2006 level of activities’  
3           means—

4                   “(A) with respect to public and nonprofit  
5           private agency and organization grantees that  
6           operate under this title under national grants  
7           from the Secretary, their level of activities for  
8           fiscal year 2006; and

9                   “(B) with respect to State grantees, their  
10          level of activities for fiscal year 2006.

11          “(3) GRANTS TO STATES.—The term ‘grants to  
12          States’ means grants made under this title by the  
13          Secretary to the States.

14          “(4) LEVEL OF ACTIVITIES.—The term ‘level of  
15          activities’ means the number of authorized positions  
16          multiplied by the cost per authorized position.

17          “(5) NATIONAL GRANTS.—The term ‘national  
18          grants’ means grants made under this title by the  
19          Secretary to public and nonprofit private agency and  
20          organization grantees that operate under this title  
21          under national grants from the Secretary.

22          “(6) STATE.—The term ‘State’ does not include  
23          Guam, American Samoa, the Commonwealth of the  
24          Northern Mariana Islands, and the United States  
25          Virgin Islands.



1 **“SEC. 507. EQUITABLE DISTRIBUTION.**

2 “(a) INTERSTATE ALLOCATION.—In making grants  
3 under section 506, the Secretary shall ensure, to the ex-  
4 tent feasible, an equitable distribution of activities under  
5 such grants, in the aggregate, among the States, taking  
6 into account the needs of underserved States.

7 “(b) INTRASTATE ALLOCATION.—The amount allo-  
8 cated for projects within each State under section 506  
9 shall be allocated among areas in the State in an equitable  
10 manner, taking into consideration the State priorities set  
11 out in the State plan in effect under section 503(a).

12 **“SEC. 508. REPORT.**

13 “To carry out the Secretary’s responsibilities for re-  
14 porting in section 503(g), the Secretary shall require the  
15 State agency for each State that receives funds under this  
16 title to prepare and submit a report at the beginning of  
17 each fiscal year on such State’s compliance with section  
18 507(b). Such report shall include the names and geo-  
19 graphic location of all projects assisted under this title and  
20 carried out in the State and the amount allocated to each  
21 such project under section 506.

22 **“SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUS-**  
23 **ING AND FOOD STAMP PROGRAMS.**

24 “Funds received by eligible individuals from projects  
25 carried out under the program established in this title  
26 shall not be considered to be income of such individuals



1 for purposes of determining the eligibility of such individ-  
2 uals, or of any other individuals, to participate in any  
3 housing program for which Federal funds may be available  
4 or for any income determination under the Food Stamp  
5 Act of 1977.

6 **“SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT AC-**  
7 **TIVITIES.**

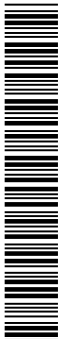
8 “Eligible individuals under this title may be consid-  
9 ered by local workforce investment boards established  
10 under title I of the Workforce Investment Act of 1998 to  
11 satisfy the requirements for receiving services under such  
12 title I that are applicable to adults.

13 **“SEC. 511. TREATMENT OF ASSISTANCE.**

14 “Assistance provided under this title shall not be con-  
15 sidered to be financial assistance described in section  
16 245A(h)(1)(A) of the Immigration and Nationality Act (8  
17 U.S.C. 1255A(h)(1)(A)).

18 **“SEC. 512. COORDINATION WITH THE WORKFORCE INVEST-**  
19 **MENT ACT OF 1998.**

20 “(a) PARTNERS.—Grantees under this title shall be  
21 One-Stop partners as described in subparagraphs (A) and  
22 (B)(vi) of section 121(b)(1) of the Workforce Investment  
23 Act of 1998 (29 U.S.C. 2841(b)(1)) in the One-Stop deliv-  
24 ery system established under section 134(c) of such Act  
25 (29 U.S.C. 2864(c)) for the appropriate local workforce



1 investment areas, and shall carry out the responsibilities  
2 relating to such partners.

3 “(b) COORDINATION.—In local workforce investment  
4 areas where more than 1 grantee under this title provides  
5 services, the grantees shall—

6 “(1) coordinate their activities related to the  
7 One-Stop delivery system; and

8 “(2) shall be signatories of the memorandum of  
9 understanding established under section 121(c) of  
10 the Workforce Investment Act of 1998 (29 U.S.C.  
11 2841(c)).

12 **“SEC. 513. PERFORMANCE.**

13 “(a) MEASURES.—

14 “(1) ESTABLISHMENT OF MEASURES.—The  
15 Secretary shall establish, in consultation with grant-  
16 ees, subgrantees, and host agencies under this title,  
17 States, older individuals, area agencies on aging, and  
18 other organizations serving older individuals, per-  
19 formance measures for each grantee for projects and  
20 services carried out under this title.

21 “(2) CONTENT.—

22 “(A) COMPOSITION OF MEASURES.—The  
23 performance measures established by the Sec-  
24 retary in accordance with paragraph (1) shall  
25 consist of—





1 “(i) core indicators of performance  
2 specified in subsection (b)(1) and the ex-  
3 pected levels of performance applicable to  
4 each core indicator of performance, and

5 “(ii) additional indicators of perform-  
6 ance specified in subsection (b)(2)

7 “(B) CONTINUOUS IMPROVEMENT.—The  
8 measures described in subparagraph (A)(i) shall  
9 be designed to promote continuous improvement  
10 in performance.

11 “(C) EXPECTED LEVELS OF PERFORM-  
12 ANCE.—The Secretary and each grantee shall  
13 reach agreement on the expected levels of per-  
14 formance for each program year for each of the  
15 core indicators of performance specified in sub-  
16 section (b)(1). The agreement shall take into  
17 account the factors described in subparagraphs  
18 (B) and (D) and other appropriate factors as  
19 determined by the Secretary, and shall be con-  
20 sistent with the requirements of subparagraph  
21 (E). Funds under the grant may not be award-  
22 ed until such agreement is reached.

23 “(D) ADJUSTMENT.—The expected levels  
24 of performance described in subparagraph (C)  
25 applicable to a grantee shall be adjusted after



1 the agreement under subparagraph (C) has  
2 been reached only with respect to the following  
3 factors:

4 “(i) High rates of unemployment or of  
5 poverty or welfare participation, in the  
6 areas served by a grantee, relative to other  
7 areas of the State or Nation.

8 “(ii) Significant downturns in the  
9 areas served by the grantee or in the na-  
10 tional economy.

11 “(iii) Significant numbers or propor-  
12 tions of participants with 1 or more bar-  
13 riers to employment served by a grantee  
14 relative to grantees serving other areas of  
15 the State or Nation.

16 “(iv) Changes in Federal, State, or  
17 local minimum wage requirements.

18 “(E) PLACEMENT.—

19 “(i) LEVEL OF PERFORMANCE.—For  
20 all grantees, the Secretary shall establish a  
21 level of performance of not less than the  
22 percentage specified in clause (ii) (adjusted  
23 in accordance with subparagraph (D)) for  
24 the entry into unsubsidized employment  
25 core indicator of performance described in



1 subsection (b)(1)(A). If a grantee achieved  
2 a level of performance less than the per-  
3 centage specified in such clause for the  
4 preceding fiscal year for which results are  
5 available before the enactment of the Sen-  
6 ior Independence Act of 2006, the Sec-  
7 retary shall provide technical assistance to  
8 assist such grantee to achieve the applica-  
9 ble percentage specified in such clause.

10 “(ii) REQUIRED PLACEMENT PER-  
11 CENTAGES.—The minimum percentage for  
12 the entry into unsubsidized employment  
13 described in subsection (b)(1)(A) is—

14 “(I) 22 percent in fiscal year  
15 2007;

16 “(II) 24 percent in fiscal year  
17 2008;

18 “(III) 26 percent in fiscal year  
19 2009;

20 “(IV) 28 percent in fiscal year  
21 2010; and

22 “(V) 30 percent in fiscal year  
23 2011.

24 “(3) PERFORMANCE EVALUATION OF GRANT-  
25 EES.—The Secretary shall annually establish na-



1 tional performance measures for each grantee under  
2 this title, which shall be applicable to the grantee  
3 without regard to whether such grantee operates  
4 such program directly or through contracts, grants,  
5 or agreements with other entities. The measures  
6 shall include the core indicators of performance and  
7 expected level of performance for each such indi-  
8 cator, and the additional indicators of performance.  
9 In addition, the Secretary shall annually publish the  
10 actual performance of each grantee with respect  
11 to—

12 “(A) the levels achieved for each of the  
13 core indicators of performance, compared to ex-  
14 pected levels of performance under paragraph  
15 (2)(C) (including any adjustments to such levels  
16 made in accordance with to paragraph (2)(D));  
17 and

18 “(B) the levels achieved for each of the ad-  
19 ditional indicators of performance.

20 “(4) LIMITATION.—An agreement to be evalu-  
21 ated on the performance measures shall be a re-  
22 quirement for application for, and a condition of, all  
23 grants authorized by this title.

24 “(b) INDICATORS OF PERFORMANCE.—



1           “(1) CORE INDICATORS.—The core indicators  
2           of performance described in subsection (a)(2)(A)(i)  
3           shall consist of—

4                   “(A) entry into unsubsidized employment;

5                   “(B) retention in unsubsidized employment  
6           for 6 months; and

7                   “(C) earnings.

8           “(2) ADDITIONAL INDICATORS.—The additional  
9           indicators of performance described in subsection  
10          (a)(2)(A)(ii) shall consist of—

11                   “(A) community services provided;

12                   “(B) retention in unsubsidized employment  
13          for 1 year;

14                   “(C) the number of eligible individuals  
15          served, including the number of participating  
16          individuals described in section 516(2)(B), and

17                   “(D) any other indicators of performance  
18          that the Secretary determines to be appropriate  
19          to evaluate services and performance.

20          “(c) DEFINITIONS OF INDICATORS.—

21                   “(1) IN GENERAL.—The Secretary, after con-  
22          sultation with national and State grantees, rep-  
23          resentatives of business and labor organizations, and  
24          providers of services, shall issue rules that define the



1 indicators of performance described in subsection  
2 (b).

3 “(d) CORRECTIVE EFFORTS.—

4 “(1) NATIONAL GRANTEEES.—

5 “(A) IN GENERAL.—Not later than 120  
6 days after the end of each program year, the  
7 Secretary shall determine if a national grantee  
8 awarded a grant under section 514 has met the  
9 expected levels of performance established  
10 under subsection (a)(2)(C) (including any ad-  
11 justments to such levels made in accordance  
12 with to subsection (a)(2)(D)) for the core indi-  
13 cators of performance described in subsection  
14 (b)(1).

15 “(B) TECHNICAL ASSISTANCE AND COR-  
16 RECTIVE ACTION PLAN.—

17 “(i) IN GENERAL.—If the Secretary  
18 determines that a grantee fails to meet the  
19 expected levels of performance described in  
20 paragraph (1), the Secretary shall provide  
21 technical assistance and require such  
22 grantee to submit a corrective action plan  
23 not later than 160 days after the end of  
24 the program year.

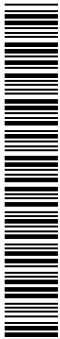


1 “(ii) CONTENT.—The plan submitted  
2 under subparagraph (A) shall detail the  
3 steps the grantee will take to meet the na-  
4 tional performance measures in the next  
5 program year.

6 “(2) STATE GRANTEEES.—

7 “(A) IN GENERAL.—Not later than 120  
8 days after the end of the program year, the  
9 Secretary shall determine if a State grantee al-  
10 lotted funds under section 506(e) has met the  
11 expected levels of performance established  
12 under subsection (a)(2)(C) (including any ad-  
13 justments to such levels made in accordance  
14 with to subsection (a)(2)(D)) for the core indi-  
15 cators of performance described in subsection  
16 (b)(1).

17 “(B) TECHNICAL ASSISTANCE AND COR-  
18 RECTIVE ACTION PLAN.—If a State fails to  
19 meet the levels of performance described in sub-  
20 paragraph (A), the Secretary shall provide tech-  
21 nical assistance and require the State to submit  
22 a corrective action plan not later than 160 days  
23 after the end of the program year.

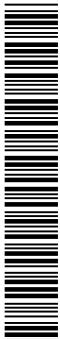


1           “(C) CONTENT.—The plan described in  
2           subparagraph (B) shall detail the steps the  
3           State will take to meet the standards.

4           “(D) FAILURE TO MEET PERFORMANCE  
5           MEASURES FOR SECOND AND THIRD YEARS.—

6           “(i) AFTER SECOND YEAR OF FAIL-  
7           URE.—If a State fails to meet the levels of  
8           performance described in subparagraph  
9           (A) for a second consecutive program year,  
10          the Secretary shall provide for the conduct  
11          by the State of a competition to award, for  
12          the first full program year following the  
13          determination (minimizing, to the extent  
14          possible, the disruption of services provided  
15          to participants), an amount equal to 25  
16          percent of the funds available to the State  
17          for such year.

18          “(ii) AFTER THIRD YEAR OF FAIL-  
19          URE.—If the State fails to meet the levels  
20          of performance described in subparagraph  
21          (A) for a third consecutive program year,  
22          the Secretary shall provide for the conduct  
23          by the State of a competition to award the  
24          funds allocated to the State for the first  
25          full program year following the Secretary’s





1 determination that the State has not met  
2 the performance measures.

3 **“SEC. 514. COMPETITIVE REQUIREMENTS RELATING TO**  
4 **GRANT AWARDS.**

5 “(a) PROGRAM AUTHORIZED.—From the funds avail-  
6 able for national grants under section 506(d), the Sec-  
7 retary shall award grants to eligible applicants to carry  
8 out projects under this title through a competitive process  
9 that is conducted at least once every 3 years.

10 “(b) ELIGIBLE APPLICANTS.—An applicant shall be  
11 eligible to receive a grant under subsection (a) in accord-  
12 ance with section 502(b)(1), and subsections (c) and (d).

13 “(c) CRITERIA.—The Secretary shall select the eligi-  
14 ble applicants to receive grants under subsection (a) based  
15 on the following:

16 “(1) The applicant’s ability to administer a pro-  
17 gram that serves the greatest number of eligible in-  
18 dividuals, giving particular consideration to individ-  
19 uals with greatest economic need, greatest social  
20 need, poor employment history or prospects, and  
21 over the age of 65.

22 “(2) The applicant’s ability to administer a pro-  
23 gram that provides employment for eligible individ-  
24 uals in the communities in which such individuals



1       reside, or in nearby communities, that will con-  
2       tribute to the general welfare of the community.

3           “(3) The applicant’s ability to administer a pro-  
4       gram that moves eligible individuals into unsub-  
5       sidized employment, and the prior performance of  
6       the applicant, if any, in meeting performance meas-  
7       ures under this title and under other Federal or  
8       State programs.

9           “(4) The applicant’s ability to move individuals  
10      with multiple barriers to employment into unsub-  
11      sidized employment.

12          “(5) The applicant’s ability to coordinate with  
13      other organizations at the State and local level.

14          “(6) The applicant’s plan for fiscal manage-  
15      ment of the program to be administered with funds  
16      received under this section.

17          “(7) Any additional criteria that the Secretary  
18      considers to be appropriate in order to minimize dis-  
19      ruption for current participants.

20      “(d) RESPONSIBILITY TESTS.—

21          “(1) IN GENERAL.—Before final selection of a  
22      grantee, the Secretary shall conduct a review of  
23      available records to assess the applicant’s overall re-  
24      sponsibility to administer Federal funds.



1           “(2) REVIEW.—As part of the review described  
2           in paragraph (1), the Secretary may consider any in-  
3           formation, including the organization’s history with  
4           regard to the management of other grants.

5           “(3) FAILURE TO SATISFY TEST.—The failure  
6           to satisfy any 1 responsibility test that is listed in  
7           paragraph (4), excluding those listed in subpara-  
8           graphs (A) and (B), does not establish that the or-  
9           ganization is not responsible unless such failure is  
10          substantial or persists for 2 or more consecutive  
11          years.

12          “(4) TEST.—The responsibility tests include re-  
13          view of the following factors:

14               “(A) Unsuccessful efforts by the organiza-  
15               tion to recover debts, after 3 demand letters  
16               have been sent, that are established by final  
17               agency action, or a failure to comply with an  
18               approved repayment plan.

19               “(B) Established fraud or criminal activity  
20               of a significant nature within the organization.

21               “(C) Serious administrative deficiencies  
22               identified by the Secretary, such as failure to  
23               maintain a financial management system as re-  
24               quired by Federal rules or regulations.



1           “(D) Willful obstruction of the audit proc-  
2           ess.

3           “(E) Failure to provide services to appli-  
4           cants as agreed to in a current or recent grant  
5           or to meet applicable performance measures.

6           “(F) Failure to correct deficiencies  
7           brought to the grantee’s attention in writing as  
8           a result of monitoring activities, reviews, assess-  
9           ments, or other activities.

10          “(G) Failure to return a grant closeout  
11          package or outstanding advances within 90  
12          days of the grant expiration date or receipt of  
13          closeout package, whichever is later, unless an  
14          extension has been requested and granted.

15          “(H) Failure to submit required reports.

16          “(I) Failure to properly report and dispose  
17          of Government property as instructed by the  
18          Secretary.

19          “(J) Failure to have maintained effective  
20          cash management or cost controls resulting in  
21          excess cash on hand.

22          “(K) Failure to ensure that a subrecipient  
23          complies with its Office of Management and  
24          Budget Circular A-133 audit requirements



1 specified at section 667.200(b) of title 20, Code  
2 of Federal Regulations.

3 “(L) Failure to audit a subrecipient within  
4 the required period.

5 “(M) Final disallowed costs in excess of 5  
6 percent of the grant or contract award if, in the  
7 judgment of the grant officer, the disallowances  
8 are egregious findings.

9 “(N) Failure to establish a mechanism to  
10 resolve a subrecipient’s audit in a timely fash-  
11 ion.

12 “(5) DETERMINATION.—Applicants that are de-  
13 termined to be not responsible shall not be selected  
14 as grantees.

15 “(6) DISALLOWED COSTS.—Interest on dis-  
16 allowed costs shall accrue in accordance with the  
17 Debt Collection Improvement Act of 1996.

18 **“SEC. 515. AUTHORIZATION OF APPROPRIATIONS.**

19 “(a) There is authorized to be appropriated to carry  
20 out this title such sums as may be necessary for fiscal  
21 years 2007, 2008, 2009, 2010, and 2011.

22 “(b) Amounts appropriated under this section for any  
23 fiscal year shall be available for obligation during the an-  
24 nual period that begins on July 1 of the calendar year  
25 immediately following the beginning of such fiscal year



1 and that ends on June 30 of the following calendar year.  
2 The Secretary may extend the period during which such  
3 amounts may be obligated or expended in the case of a  
4 particular organization or agency that receives funds  
5 under this title if the Secretary determines that such ex-  
6 tension is necessary to ensure the effective use of such  
7 funds by such organization or agency.

8 “(c) At the end of the program year, the Secretary  
9 may recapture any unexpended funds for the program  
10 year, and reobligate such funds within the 2 succeeding  
11 program years for—

12 “(1) technical assistance; or

13 “(2) grants or contracts for any other program  
14 under this title.

15 **“SEC. 516. DEFINITIONS.**

16 “For purposes of this title:

17 “(1) COMMUNITY SERVICE EMPLOYMENT-BASED  
18 TRAINING.—The term ‘community service employ-  
19 ment-based training’ means training provided  
20 through work experience that is related to providing  
21 social, health, welfare, and educational services (in-  
22 cluding literacy tutoring), legal and other counseling  
23 services and assistance, including tax counseling and  
24 assistance and financial counseling, and library, rec-  
25 reational, and other similar services; conservation,



1 maintenance, or restoration of natural resources;  
2 community betterment or beautification; antipollu-  
3 tion and environmental quality efforts; weatheriza-  
4 tion activities; economic development; and such other  
5 services essential and necessary to the community as  
6 the Secretary determines by rule.

7 “(2) ELIGIBLE INDIVIDUALS.—

8 “(A) IN GENERAL.—The term ‘eligible in-  
9 dividual’ means an individual who is 55 years  
10 old or older who has a low income (including  
11 any such individual whose income is not more  
12 that 125 percent of the poverty line).

13 “(B) EXCEPTION.—Pursuant to regula-  
14 tions prescribed by the Secretary, any such in-  
15 dividual who otherwise meets the requirements  
16 of subparagraph (A) and meets one or more of  
17 the following criteria shall have priority for the  
18 work opportunities provided under this title.

19 “(i) is 65 years old or older;

20 “(ii) has one or more of the following  
21 barriers to employment:

22 “(I) A disability.

23 “(II) Limited English proficiency  
24 or low literacy skills.

25 “(III) Residing in a rural area.



1 “(IV) Having low employment  
2 prospects.

3 “(V) Having failed to find em-  
4 ployment after utilizing services pro-  
5 vided under title I of the Workforce  
6 Investment Act of 1998.

7 “(C) FOUR-YEAR TIME LIMIT.—Notwith-  
8 standing section 502(b)(1)(C), an individual  
9 who meets the requirements of this paragraph  
10 may only participate in projects carried out  
11 under this title for a period that does not ex-  
12 ceed 48 months in the aggregate (whether or  
13 not consecutive).

14 “(3) PACIFIC ISLAND AND ASIAN AMERICANS.—  
15 The term ‘Pacific Island and Asian Americans’  
16 means Americans having origins in any of the origi-  
17 nal peoples of the Far East, Southeast Asia, the In-  
18 dian Subcontinent, or the Pacific Islands.

19 “(4) PROGRAM.—The term ‘program’ means  
20 the older American community service employment-  
21 based training program established under this  
22 title.”.





1   **SEC. 32. NATIVE AMERICANS CAREGIVER SUPPORT PRO-**  
2                   **GRAM.**

3           Section 643 of the Older Americans Act of 1965 (42  
4   U.S.C. 3057n) is amended by striking “2001” each place  
5   it appears and inserting “2007”.

6   **SEC. 33. VULNERABLE ELDER RIGHTS PROTECTION ACTIVI-**  
7                   **TIES.**

8           Section 702 of the Older Americans Act of 1965 (42  
9   U.S.C. 3058a) is amended by striking “2001” each place  
10   it appears and inserting “2007”.

11   **SEC. 34. NATIVE AMERICAN ORGANIZATION PROVISIONS.**

12           Section 751(d) of the Older Americans Act of 1965  
13   (42 U.S.C. 3058aa(b)) is amended by striking “2001” and  
14   inserting “2007”.

15   **SEC. 35. ELDER ABUSE, NEGLECT, AND EXPLOITATION PRE-**  
16                   **VENTION AMENDMENT.**

17           Section 721 (b) of the Older Americans Act of 1965  
18   (42 U.S.C. 3058i(b)) is amended—

19                   (1) by inserting after paragraph (1) the fol-  
20           lowing new paragraph:

21                   “(2) providing for public education and out-  
22           reach to promote financial literacy and prevent iden-  
23           tity theft and financial exploitation of older individ-  
24           uals;” and

25                   (2) by redesignating paragraphs (2) through  
26           (8) as paragraphs (3) through (9), respectively.



1 **SEC. 36. TECHNICAL AMENDMENTS.**

2 The Older Americans Act of 1965 (42 U.S.C. 2001  
3 et seq.) is amended—

4 (1) in section 202(e)(1)(A) by adding a period  
5 at the end, and

6 (2) by inserting before section 401 the fol-  
7 lowing:

8 **“TITLE IV—ACTIVITIES FOR**  
9 **HEALTH, INDEPENDENCE**  
10 **AND LONGEVITY”.**

